

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1453

AN ACT

To repeal sections 26.740, 43.503, 43.530, 43.540, 135.327, 167.020, 192.016, 207.050, 207.060, 210.025, 210.102, 210.109, 210.110, 210.145, 210.150, 210.152, 210.153, 210.160, 210.183, 210.201, 210.211, 210.518, 210.565, 210.760, 210.903, 210.909, 211.031, 211.032, 211.059, 211.171, 211.181, 211.321, 302.272, 431.056, 452.375, 452.400, 453.020, 453.025, 453.030, 453.060, 453.110, 475.024, 487.100, 491.075, 492.304, 537.046, and 701.336, RSMo, and to enact in lieu thereof seventy-six new sections relating to foster care and protection of children, with penalty provisions and an emergency clause.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 26.740, 43.503, 43.530, 43.540,  
2   135.327, 167.020, 192.016, 207.050, 207.060, 210.025, 210.102,  
3   210.109, 210.110, 210.145, 210.150, 210.152, 210.153, 210.160,  
4   210.183, 210.201, 210.211, 210.518, 210.565, 210.760, 210.903,  
5   210.909, 211.031, 211.032, 211.059, 211.171, 211.181, 211.321,  
6   302.272, 431.056, 452.375, 452.400, 453.020, 453.025, 453.030,  
7   453.060, 453.110, 475.024, 487.100, 491.075, 492.304, 537.046,

1 and 701.336, RSMo, are repealed and seventy-six new sections  
2 enacted in lieu thereof, to be known as sections 37.699, 37.700,  
3 37.705, 37.710, 37.715, 37.725, 37.730, 43.503, 43.530, 43.540,  
4 135.327, 167.020, 168.283, 191.748, 192.016, 207.050, 207.060,  
5 207.085, 208.647, 210.025, 210.102, 210.108, 210.109, 210.110,  
6 210.111, 210.112, 210.113, 210.117, 210.127, 210.145, 210.147,  
7 210.150, 210.152, 210.153, 210.160, 210.183, 210.187, 210.188,  
8 210.201, 210.211, 210.482, 210.487, 210.518, 210.535, 210.542,  
9 210.565, 210.760, 210.762, 210.903, 210.909, 211.031, 211.032,  
10 211.038, 211.059, 211.171, 211.181, 211.319, 211.321, 302.272,  
11 431.056, 452.375, 452.400, 453.020, 453.025, 453.030, 453.060,  
12 453.061, 453.110, 475.024, 487.100, 491.075, 492.304, 537.046,  
13 701.336, 1, and 2, to read as follows:

14 37.699. Sections 37.700 to 37.730, 168.283, 191.748,  
15 207.085, 210.109, 210.110, 210.111, 210.112, 210.113, 210.127,  
16 210.145, 210.147, 210.150, 210.152, 210.153, 210.160, 210.183,  
17 210.187, 210.188, 210.482, 210.487, 210.518, 210.535, 210.542,  
18 210.565, 210.760, 210.762, 211.031, 211.032, 211.059, 211.319,  
19 and 537.046, RSMo, shall be known and may be cited as the  
20 "Dominic James Memorial Foster Care Reform Act of 2004".

21 37.700. As used in sections 37.700 to 37.730, the following  
22 terms mean:

23 (1) "Office", the office of the child advocate for  
24 children's protection and services within the office of  
25 administration, which shall include the child advocate and staff;

26 (2) "Recipient", any child who is receiving child welfare  
27 services from the department of social services or its  
28 contractors, or services from the department of mental health.

1       37.705. 1. There is hereby established within the office  
2 of administration the "Office of Child Advocate for Children's  
3 Protection and Services", for the purpose of assuring that  
4 children receive adequate protection and care from services,  
5 programs offered by the department of social services, or the  
6 department of mental health, or the juvenile court. The child  
7 advocate shall report directly to the commissioner of the office  
8 of administration.

9       2. The office shall be administered by the child advocate,  
10 who shall be appointed jointly by the governor and the chief  
11 justice of the Missouri supreme court with the advice and consent  
12 of the senate. The child advocate shall hold office for a term  
13 of six years and shall continue to hold office until a successor  
14 has been duly appointed. The advocate shall act independently of  
15 the department of social services, the department of mental  
16 health, and the juvenile court in the performance of his or her  
17 duties. The office of administration shall provide  
18 administrative support and staff as deemed necessary.

19       37.710. 1. The office shall have access to the following  
20 information:

21       (1) The names and physical location of all children in  
22 protective services, treatment, or other programs under the  
23 jurisdiction of the children's division, the department of mental  
24 health, and the juvenile court;

25       (2) All written reports of child abuse and neglect; and

26       (3) All current records required to be maintained pursuant  
27 to chapters 210 and 211, RSMo.

28       2. The office shall have the authority:

1       (1) To communicate privately by any means possible with any  
2 child under protective services and anyone working with the  
3 child, including the family, relatives, courts, employees of the  
4 department of social services and the department of mental  
5 health, and other persons or entities providing treatment and  
6 services;

7       (2) To have access, including the right to inspect, copy  
8 and subpoena records held by the clerk of the juvenile or family  
9 court, juvenile officers, law enforcement agencies, institutions,  
10 public or private, and other agencies, or persons with whom a  
11 particular child has been either voluntarily or otherwise placed  
12 for care, or has received treatment within this state or in  
13 another state;

14       (3) To work in conjunction with juvenile officers and  
15 guardians ad litem;

16       (4) To file amicus curiae briefs on behalf of the interests  
17 of the parent or child;

18       (5) To initiate meetings with the department of social  
19 services, the department of mental health, the juvenile court,  
20 and juvenile officers;

21       (6) To take whatever steps are appropriate to see that  
22 persons are made aware of the services of the child advocate's  
23 office, its purpose, and how it can be contacted;

24       (7) To apply for and accept grants, gifts, and bequests of  
25 funds from other states, federal, and interstate agencies, and  
26 independent authorities, private firms, individuals, and  
27 foundations to carry out his or her duties and responsibilities.  
28 The funds shall be deposited in a dedicated account established

1 within the office to permit moneys to be expended in accordance  
2 with the provisions of the grant or bequest; and

3 (8) Subject to appropriation, to establish as needed local  
4 panels on a regional or county basis to adequately and  
5 efficiently carry out the functions and duties of the office, and  
6 address complaints in a timely manner.

7 3. For any information obtained from a state agency or  
8 entity under sections 37.700 to 37.730, the office of child  
9 advocate shall be subject to the same disclosure restrictions and  
10 confidentiality requirements that apply to the state agency or  
11 entity providing such information to the office of child  
12 advocate. For information obtained directly by the office of  
13 child advocate under sections 37.700 to 37.730, the office of  
14 child advocate shall be subject to the same disclosure  
15 restrictions and confidentiality requirements that apply to the  
16 children's division regarding information obtained during an  
17 child abuse and neglect investigation resulting in an  
18 unsubstantiated report.

19 37.715. 1. The office shall establish and implement  
20 procedures for receiving, processing, responding to, and  
21 resolving complaints made by or on behalf of children who are  
22 recipients of the services of the departments of social services  
23 and mental health, and the juvenile court. Such procedures shall  
24 address complaints relating to the actions, inactions, or  
25 decisions of providers or their representatives, public or  
26 private child welfare agencies, social service agencies, or the  
27 courts which may adversely affect the health, safety, welfare, or  
28 rights of such recipient.

1       2. The office shall establish and implement procedures for  
2 the handling and, whenever possible, the resolution of  
3 complaints.

4       3. The office shall have the authority to make the  
5 necessary inquiries and review relevant information and records  
6 as the office deems necessary.

7       4. The office may recommend to any state or local agency  
8 changes in the rules adopted or proposed by such state or local  
9 agency which adversely affect or may adversely affect the health,  
10 safety, welfare, or civil or human rights of any recipient. The  
11 office shall make recommendations on changes to any current  
12 policies and procedures. The office shall analyze and monitor the  
13 development and implementation of federal, state and local laws,  
14 regulations and policies with respect to services in the state  
15 and shall recommend to the department, courts, general assembly,  
16 and governor changes in such laws, regulations and policies  
17 deemed by the office to be appropriate.

18       5. The office shall inform recipients, their guardians or  
19 their families of their rights and entitlements under state and  
20 federal laws and regulations through the distribution of  
21 educational materials.

22       6. The office shall annually submit to the governor, the  
23 general assembly, and the Missouri supreme court a detailed  
24 report on the work of the office of the child advocate for  
25 children's protection and services. Such report shall include,  
26 but not be limited to, the number of complaints received by the  
27 office, the disposition of such complaints, the number of  
28 recipients involved in complaints, the state entities named in

1 complaints and whether such complaints were found to be  
2 substantiated, and any recommendations for improving the delivery  
3 of services to reduce complaints or improving the function of the  
4 office of the child advocate for children's protection and  
5 services.

6 37.725. 1. Any files maintained by the advocate program  
7 shall be disclosed only at the discretion of the child advocate;  
8 except that the identity of any complainant or recipient shall  
9 not be disclosed by the office unless:

10 (1) The complainant or recipient, or the complainant's or  
11 recipient's legal representative, consents in writing to such  
12 disclosure; or

13 (2) Such disclosure is required by court order.

14 2. Any statement or communication made by the office  
15 relevant to a complaint received by, proceedings before, or  
16 activities of the office and any complaint or information made or  
17 provided in good faith by any person shall be absolutely  
18 privileged and such person shall be immune from suit.

19 3. Any representative of the office conducting or  
20 participating in any examination of a complaint who knowingly and  
21 willfully discloses to any person other than the office, or those  
22 persons authorized by the office to receive it, the name of any  
23 witness examined or any information obtained or given during such  
24 examination is guilty of a class A misdemeanor. However, the  
25 office conducting or participating in any examination of a  
26 complaint shall disclose the final result of the examination with  
27 the consent of the recipient.

28 4. The office shall not be required to testify in any court

1 with respect to matters held to be confidential in this section  
2 except as the court may deem necessary to enforce the provisions  
3 of sections 37.700 to 37.730, or where otherwise required by  
4 court order.

5 37.730. 1. Any employee or an unpaid volunteer of the  
6 office shall be treated as a representative of the office. No  
7 representative of the office shall be held liable for good faith  
8 performance of his or her official duties under the provisions of  
9 sections 37.700 to 37.730 and such representative shall be immune  
10 from suit for the good faith performance of such duties. Every  
11 representative of the office shall be considered a state employee  
12 under section 105.711, RSMo.

13 2. No reprisal or retaliatory action shall be taken against  
14 any recipient or employee of the departments or courts for any  
15 communication made or information given to the office. Any  
16 person who knowingly or willfully violates the provisions of this  
17 subsection is guilty of a class A misdemeanor.

18 43.503. 1. For the purpose of maintaining complete and  
19 accurate criminal history record information, all police officers  
20 of this state, the clerk of each court, the department of  
21 corrections, the sheriff of each county, the chief law  
22 enforcement official of a city not within a county and the  
23 prosecuting attorney of each county or the circuit attorney of a  
24 city not within a county shall submit certain criminal arrest,  
25 charge, and disposition information to the central repository for  
26 filing without undue delay in the form and manner required by  
27 sections 43.500 to 43.543.

28 2. All law enforcement agencies making misdemeanor and

1 felony arrests as determined by section 43.506 shall furnish  
2 without undue delay, to the central repository, fingerprints,  
3 charges, appropriate charge codes, and descriptions of all  
4 persons who are arrested for such offenses on standard  
5 fingerprint forms supplied or approved by the highway patrol or  
6 electronically in a format and manner approved by the highway  
7 patrol. All such agencies shall also notify the central  
8 repository of all decisions not to refer such arrests for  
9 prosecution. An agency making such arrests may enter into  
10 arrangements with other law enforcement agencies for the purpose  
11 of furnishing without undue delay such fingerprints, charges,  
12 appropriate charge codes, and descriptions to the central  
13 repository upon its behalf.

14 3. In instances where an individual less than seventeen  
15 years of age and not currently certified as an adult is taken  
16 into custody for an offense which would be a felony if committed  
17 by an adult, the arresting officer shall take fingerprints for  
18 the central repository. These fingerprints shall be taken on  
19 fingerprint cards supplied by or approved by the highway patrol  
20 or transmitted electronically in a format and manner approved by  
21 the highway patrol. The fingerprint cards shall be so  
22 constructed that the name of the juvenile should not be made  
23 available to the central repository. The individual's name and  
24 the unique number associated with the fingerprints and other  
25 pertinent information shall be provided to the court of  
26 jurisdiction by the agency taking the juvenile into custody. The  
27 juvenile's fingerprints and other information shall be forwarded  
28 to the central repository and the courts without undue delay.

1 The fingerprint information from the card shall be captured and  
2 stored in the automated fingerprint identification system  
3 operated by the central repository. In the event the  
4 fingerprints are found to match other tenprints or unsolved  
5 latent prints, the central repository shall notify the submitting  
6 agency who shall notify the court of jurisdiction as per local  
7 agreement.

8 4. Upon certification of the individual as an adult, the  
9 certifying court shall order a law enforcement agency to  
10 immediately fingerprint the individual. The law enforcement  
11 agency shall submit such fingerprints to the central repository  
12 within fifteen days and shall furnish the offense cycle number  
13 associated with the fingerprints to the prosecuting attorney or  
14 the circuit attorney of a city not within a county and to the  
15 clerk of the court ordering the subject fingerprinted. If the  
16 juvenile is acquitted of the crime and is no longer certified as  
17 an adult, the prosecuting attorney shall notify within fifteen  
18 days the central repository of the change of status of the  
19 juvenile. Records of a child who has been fingerprinted and  
20 photographed after being taken into custody shall be closed  
21 records as provided under section 610.100, RSMo, if a petition  
22 has not been filed within thirty days of the date that the child  
23 was taken into custody; and if a petition for the child has not  
24 been filed within one year of the date the child was taken into  
25 custody, any records relating to the child concerning the alleged  
26 offense may be expunged under the procedures in sections 610.122  
27 to 610.126, RSMo.

28 5. The prosecuting attorney of each county or the circuit

1 attorney of a city not within a county shall notify the central  
2 repository on standard forms supplied by the highway patrol or in  
3 a manner approved by the highway patrol of all charges filed,  
4 including all those added subsequent to the filing of a criminal  
5 court case, and whether charges were not filed in criminal cases  
6 for which the central repository has a record of an arrest. All  
7 records forwarded to the central repository by prosecutors or  
8 circuit attorneys as required by sections 43.500 to 43.530 shall  
9 include the state offense cycle number of the offense, the charge  
10 code for the offense, and the originating agency identifier  
11 number of the reporting prosecutor, using such numbers as  
12 assigned by the highway patrol.

13 6. The clerk of the courts of each county or city not  
14 within a county shall furnish the central repository, on standard  
15 forms supplied by the highway patrol or in a manner approved by  
16 the highway patrol, with all final dispositions of cases for  
17 which the central repository has a record of an arrest or a  
18 record of fingerprints reported pursuant to sections 43.500 to  
19 43.506. Such information shall include, for each charge:

20 (1) All judgments of not guilty, acquittals on the ground  
21 of mental disease or defect excluding responsibility, judgments  
22 or pleas of guilty including the sentence, if any, or probation,  
23 if any, pronounced by the court, nolle pros, discharges, releases  
24 and dismissals in the trial court;

25 (2) Court orders filed with the clerk of the courts which  
26 reverse a reported conviction or vacate or modify a sentence;

27 (3) Judgments terminating or revoking a sentence to  
28 probation, supervision or conditional release and any

1     resentencing after such revocation; and

2             (4)   The offense cycle number of the offense, and the  
3     originating agency identifier number of the sentencing court,  
4     using such numbers as assigned by the highway patrol.

5             7.   The clerk of the courts of each county or city not  
6     within a county shall furnish, to the department of corrections  
7     or department of mental health, court judgment and sentence  
8     documents and the state offense cycle number and the charge code  
9     of the offense which resulted in the commitment or assignment of  
10    an offender to the jurisdiction of the department of corrections  
11    or the department of mental health if the person is committed  
12    pursuant to chapter 552, RSMo. This information shall be  
13    reported to the department of corrections or the department of  
14    mental health at the time of commitment or assignment. If the  
15    offender was already in the custody of the department of  
16    corrections or the department of mental health at the time of  
17    such subsequent conviction, the clerk shall furnish notice of  
18    such subsequent conviction to the appropriate department by  
19    certified mail, return receipt requested, or in a manner and  
20    format mutually agreed to, within fifteen days of such  
21    disposition.

22             8.   Information and fingerprints, and other indicia  
23     forwarded to the central repository, normally obtained from a  
24     person at the time of the arrest, may be obtained at any time the  
25     subject is in the criminal justice system or committed to the  
26     department of mental health. A law enforcement agency or the  
27     department of corrections may fingerprint the person and obtain  
28     the necessary information at any time the subject is in custody.

1 If at the time of disposition, the defendant has not been  
2 fingerprinted for an offense in which a fingerprint is required  
3 by statute to be collected, maintained, or disseminated by the  
4 central repository, the court shall order a law enforcement  
5 agency to fingerprint immediately the defendant. The law  
6 enforcement agency shall submit such fingerprints to the central  
7 repository without undue delay and within thirty days and shall  
8 furnish the offense cycle number associated with the fingerprints  
9 to the prosecuting attorney or the circuit attorney of a city not  
10 within a county and to the court clerk of the court ordering the  
11 subject fingerprinted.

12 9. The department of corrections and the department of  
13 mental health shall furnish the central repository with all  
14 information concerning the receipt, escape, execution, death,  
15 release, pardon, parole, commutation of sentence, granting of  
16 executive clemency, legal name change, or discharge of an  
17 individual who has been sentenced to that department's custody  
18 for any offenses which are mandated by law to be collected,  
19 maintained or disseminated by the central repository. All  
20 records forwarded to the central repository by the department as  
21 required by sections 43.500 to 43.543 shall include the offense  
22 cycle number of the offense, and the originating agency  
23 identifier number of the department using such numbers as  
24 assigned by the highway patrol.

25 43.530. 1. For each request requiring the payment of a fee  
26 received by the central repository, the requesting entity shall  
27 pay a fee of not more than five dollars per request for criminal  
28 history record information not based on a fingerprint search when

1 the requesting entity is required to obtain such information by  
2 any provision of state or federal law and pay a fee of not more  
3 than fourteen dollars per request for criminal history record  
4 information based on a fingerprint search when the requesting  
5 entity is required to obtain such information by any provision of  
6 state or federal law; provided that, when the requesting entity  
7 is not required to obtain such information by law, the requesting  
8 entity shall pay a fee of not more than ten dollars per request  
9 for criminal history record information not based on a  
10 fingerprint search and pay a fee of not more than twenty dollars  
11 per request for criminal history record information based on a  
12 fingerprint search. Each such request shall be limited to check  
13 and search on one individual. Each request shall be accompanied  
14 by a check, warrant, voucher, money order, or electronic payment  
15 payable to the state of Missouri-criminal record system or  
16 payment shall be made in a manner approved by the highway patrol.  
17 The highway patrol may establish procedures for receiving  
18 requests for criminal history record information for  
19 classification and search for fingerprints, from courts and other  
20 entities, and for the payment of such requests. There is hereby  
21 established by the treasurer of the state of Missouri a fund to  
22 be entitled as the "Criminal Record System Fund".  
23 Notwithstanding the provisions of section 33.080, RSMo, to the  
24 contrary, if the moneys collected and deposited into this fund  
25 are not totally expended annually for the purposes set forth in  
26 sections 43.500 to 43.543, the unexpended moneys in such fund  
27 shall remain in the fund and the balance shall be kept in the  
28 fund to accumulate from year to year.

1           2. For purposes of obtaining criminal records prior to  
2 issuance of a school bus operator's permit pursuant to section  
3 302.272, RSMo, and for determining eligibility for such permit,  
4 the applicant for such permit shall submit two sets of  
5 fingerprints to the director of revenue when applying for the  
6 permit. The fingerprints shall be collected in a manner approved  
7 by the superintendent of the highway patrol. The school bus  
8 permit applicant shall pay the appropriate fee described in this  
9 section and pay the appropriate fee determined by the Federal  
10 Bureau of Investigation for the federal criminal history record  
11 when he or she applies for the school bus permit. Collections  
12 for records described in this subsection shall be deposited in  
13 the criminal record system fund.

14           43.540. 1. As used in this section, the following terms  
15 mean:

16           (1) "Authorized state agency", a division of state  
17 government or an office of state government designated by the  
18 statutes of Missouri to issue or renew a license, permit,  
19 certification, or registration of authority to a qualified  
20 entity;

21           (2) "Care", the provision of care, treatment, education,  
22 training, instruction, supervision, or recreation;

23           (3) "Missouri criminal record review", a review of criminal  
24 history records [or] and sex offender registration records  
25 pursuant to sections 589.400 to 589.425, RSMo, maintained by the  
26 Missouri state highway patrol in the Missouri criminal records  
27 repository;

28           (4) "National criminal record review", a review of the

1 criminal history records maintained by the Federal Bureau of  
2 Investigation;

3 (5) "Patient or resident", a person who by reason of age,  
4 illness, disease or physical or mental infirmity receives or  
5 requires care or services furnished by a provider, as defined in  
6 this section, or who resides or boards in, or is otherwise kept,  
7 cared for, treated or accommodated in a facility as defined in  
8 section 198.006, RSMo, for a period exceeding twenty-four  
9 consecutive hours;

10 (6) "Provider", a person who:

11 (a) Has or may have unsupervised access to children, the  
12 elderly, or persons with disabilities; and

13 (b) a. Is employed by or seeks employment with a qualified  
14 entity; or

15 [(c)] b. Volunteers or seeks to volunteer with a qualified  
16 entity; or

17 [(d)] c. Owns or operates a qualified entity;

18 (7) "Qualified entity", a person, business, or  
19 organization, whether public or private, for profit, not for  
20 profit, or voluntary, that provides care, placement, or  
21 educational services for children, the elderly, or persons with  
22 disabilities as patients or residents, including a business or  
23 organization that licenses or certifies others to provide care or  
24 placement services;

25 (8) "Youth services agency", any public or private agency,  
26 school, or association which provides programs, care or treatment  
27 for or which exercises supervision over minors.

28 2. A qualified entity may obtain a Missouri criminal record

1 review of a provider from the highway patrol by furnishing  
2 information on forms and in the manner approved by the highway  
3 patrol.

4 3. A qualified entity may request a Missouri criminal  
5 record review and a national criminal record review of a provider  
6 through an authorized state agency. No authorized state agency  
7 is required by this section to process Missouri or national  
8 criminal record reviews for a qualified entity, however, if an  
9 authorized state agency agrees to process Missouri and national  
10 criminal record reviews for a qualified entity, the qualified  
11 entity shall provide to the authorized state agency on forms and  
12 in a manner approved by the highway patrol the following:

13 (1) Two sets of fingerprints of the provider if a national  
14 criminal record review is requested;

15 (2) A statement signed by the provider which contains:

16 (a) The provider's name, address, and date of birth;

17 (b) Whether the provider has been convicted of or has pled  
18 guilty to a crime which includes a suspended imposition of  
19 sentence;

20 (c) If the provider has been convicted of or has pled  
21 guilty to a crime, a description of the crime, and the  
22 particulars of the conviction or plea;

23 (d) The authority of the qualified entity to check the  
24 provider's criminal history;

25 (e) The right of the provider to review the report received  
26 by the qualified entity; and

27 (f) The right of the provider to challenge the accuracy of  
28 the report. If the challenge is to the accuracy of the criminal

1 record review, the challenge shall be made to the highway patrol.

2 4. The authorized state agency shall forward the required  
3 forms and fees to the highway patrol. The results of the record  
4 review shall be forwarded to the authorized state agency who will  
5 notify the qualified entity. The authorized state agency may  
6 assess a fee to the qualified entity to cover the cost of  
7 handling the criminal record review and may establish an account  
8 solely for the collection and dissemination of fees associated  
9 with the criminal record reviews.

10 5. Any information received by an authorized state agency  
11 or a qualified entity pursuant to the provisions of this section  
12 shall be used solely for internal purposes in determining the  
13 suitability of a provider. The dissemination of criminal history  
14 information from the Federal Bureau of Investigation beyond the  
15 authorized state agency or related governmental entity is  
16 prohibited. All criminal record check information shall be  
17 confidential and any person who discloses the information beyond  
18 the scope allowed is guilty of a class A misdemeanor.

19 6. The highway patrol shall make available or approve the  
20 necessary forms, procedures, and agreements necessary to  
21 implement the provisions of this section.

22 135.327. 1. Any person residing in this state who legally  
23 adopts a special needs child on or after January 1, 1988, and  
24 before January 1, 2000, shall be eligible to receive a tax credit  
25 of up to ten thousand dollars for nonrecurring adoption expenses  
26 for each child adopted that may be applied to taxes due under  
27 chapter 143, RSMo. Any business entity providing funds to an  
28 employee to enable that employee to legally adopt a special needs

1 child shall be eligible to receive a tax credit of up to ten  
2 thousand dollars for nonrecurring adoption expenses for each  
3 child adopted that may be applied to taxes due under such  
4 business entity's state tax liability, except that only one ten  
5 thousand dollar credit is available for each special needs child  
6 that is adopted.

7 2. Any person residing in this state who proceeds in good  
8 faith with the adoption of a special needs child on or after  
9 January 1, 2000, shall be eligible to receive a tax credit of up  
10 to ten thousand dollars for nonrecurring adoption expenses for  
11 each child that may be applied to taxes due under chapter 143,  
12 RSMo; provided, however, that beginning on or after July 1, 2004,  
13 a minimum of fifty percent of the tax credits allowed shall be  
14 allocated for the adoption of special needs children who are  
15 residents or wards of this state or whose parents are residents  
16 of this state at the time the adoption is initiated. Any  
17 business entity providing funds to an employee to enable that  
18 employee to proceed in good faith with the adoption of a special  
19 needs child shall be eligible to receive a tax credit of up to  
20 ten thousand dollars for nonrecurring adoption expenses for each  
21 child that may be applied to taxes due under such business  
22 entity's state tax liability, except that only one ten thousand  
23 dollar credit is available for each special needs child that is  
24 adopted.

25 3. Individuals and business entities may claim a tax credit  
26 for their total nonrecurring adoption expenses in each year that  
27 the expenses are incurred. A claim for fifty percent of the  
28 credit shall be allowed when the child is placed in the home. A

1 claim for the remaining fifty percent shall be allowed when the  
2 adoption is final. The total of these tax credits shall not  
3 exceed the maximum limit of ten thousand dollars per child. The  
4 cumulative amount of tax credits which may be claimed by  
5 taxpayers claiming the credit for nonrecurring adoption expenses  
6 in any one fiscal year prior to July 1, 2004, shall not exceed  
7 two million dollars and shall not exceed four million dollars in  
8 any one fiscal year beginning on or after July 1, 2004; provided,  
9 however, that in the first ninety days following each July first,  
10 if less than two million dollars in credits have been issued for  
11 adoption of special needs children who are not residents or wards  
12 of this state or whose parents are not residents of this state at  
13 the time the adoption is initiated, the remaining amount of the  
14 four million dollar cap shall be available for the adoption of  
15 special needs children who are residents or wards of this state  
16 or whose parents are residents of this state at the time the  
17 adoption is initiated.

18 4. Notwithstanding any provision of law to the contrary,  
19 any individual or business entity may assign, transfer or sell  
20 tax credits allowed in this section. Any sale of tax credits  
21 claimed pursuant to this section shall be at a discount rate of  
22 seventy-five percent or greater of the amount sold.

23 5. The director of revenue shall establish a procedure by  
24 which, for each fiscal year, the cumulative amount of tax credits  
25 authorized in this section is equally apportioned among all  
26 taxpayers within the two categories specified in subsection 2 of  
27 this section claiming the credit in that fiscal year. To the  
28 maximum extent possible, the director of revenue shall establish

1 the procedure described in this subsection in such a manner as to  
2 ensure that taxpayers within each category can claim all the tax  
3 credits possible up to the cumulative amount of tax credits  
4 available for the fiscal year.

5 6. The director of revenue shall submit to the general  
6 assembly, by January 1, 2005 and each succeeding year,  
7 information by income levels of those individual taxpayers who  
8 have qualified and claimed the credit authorized in this section,  
9 regardless of whether those taxpayers have assigned, transferred,  
10 or sold such credits. The information shall indicate the number  
11 of such taxpayers with federal adjusted gross income in the  
12 immediately preceding tax year of less than one hundred fifty  
13 thousand dollars, of one hundred fifty thousand dollars to and  
14 including one hundred ninety thousand dollars, and of more than  
15 one hundred ninety thousand dollars.

16 167.020. 1. As used in this section, the term "homeless  
17 child" or "homeless youth" shall mean a person less than  
18 twenty-one years of age who lacks a fixed, regular and adequate  
19 nighttime residence, including a child or youth who:

20 (1) Is [living on the street, in a car, tent, abandoned  
21 building or some other form of shelter not designed as a  
22 permanent home;

23 (2) Is living in a community shelter facility;

24 (3) Is living in transitional housing for less than one  
25 full year] sharing the housing of other persons due to loss of  
26 housing, economic hardship, or a similar reason; is living in  
27 motels, hotels, or camping grounds due to lack of alternative  
28 adequate accommodations; is living in emergency or transitional

shelters; is abandoned in hospitals; or is awaiting foster care placement;

(2) Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) Is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(4) Is a migratory child or youth who qualifies as homeless because the child or youth is living in circumstances described in subdivisions (1) to (3) of this subsection.

2. In order to register a pupil, the parent or legal guardian of the pupil or the pupil himself or herself shall provide, at the time of registration, one of the following:

(1) Proof of residency in the district. Except as otherwise provided in section 167.151, the term "residency" shall mean that a person both physically resides within a school district and is domiciled within that district. The domicile of a minor child shall be the domicile of a parent, military guardian pursuant to a military-issued guardianship or court-appointed legal guardian; or

(2) Proof that the person registering the student has requested a waiver under subsection 3 of this section within the last forty-five days. In instances where there is reason to suspect that admission of the pupil will create an immediate danger to the safety of other pupils and employees of the district, the superintendent or the superintendent's designee may convene a hearing within three working days of the request to

1 register and determine whether or not the pupil may register.

2 3. Any person subject to the requirements of subsection 2  
3 of this section may request a waiver from the district board of  
4 any of those requirements on the basis of hardship or good cause.  
5 Under no circumstances shall athletic ability be a valid basis of  
6 hardship or good cause for the issuance of a waiver of the  
7 requirements of subsection 2 of this section. The district board  
8 shall convene a hearing as soon as possible, but no later than  
9 forty-five days after receipt of the waiver request made under  
10 this subsection or the waiver request shall be granted. The  
11 district board may grant the request for a waiver of any  
12 requirement of subsection 2 of this section. The district board  
13 may also reject the request for a waiver in which case the pupil  
14 shall not be allowed to register. Any person aggrieved by a  
15 decision of a district board on a request for a waiver under this  
16 subsection may appeal such decision to the circuit court in the  
17 county where the school district is located.

18 4. Any person who knowingly submits false information to  
19 satisfy any requirement of subsection 2 of this section is guilty  
20 of a class A misdemeanor.

21 5. In addition to any other penalties authorized by law, a  
22 district board may file a civil action to recover, from the  
23 parent, military guardian or legal guardian of the pupil, the  
24 costs of school attendance for any pupil who was enrolled at a  
25 school in the district and whose parent, military guardian or  
26 legal guardian filed false information to satisfy any requirement  
27 of subsection 2 of this section.

28 6. Subsection 2 of this section shall not apply to a pupil

1 who is a homeless child or youth, or a pupil attending a school  
2 not in the pupil's district of residence as a participant in an  
3 interdistrict transfer program established under a court-ordered  
4 desegregation program, a pupil who is a ward of the state and has  
5 been placed in a residential care facility by state officials, a  
6 pupil who has been placed in a residential care facility due to a  
7 mental illness or developmental disability, a pupil attending a  
8 school pursuant to sections 167.121 and 167.151, a pupil placed  
9 in a residential facility by a juvenile court, a pupil with a  
10 disability identified under state eligibility criteria if the  
11 student is in the district for reasons other than accessing the  
12 district's educational program, or a pupil attending a regional  
13 or cooperative alternative education program or an alternative  
14 education program on a contractual basis.

15 7. Within two business days of enrolling a pupil, the  
16 school official enrolling a pupil, including any special  
17 education pupil, shall request those records required by district  
18 policy for student transfer and those discipline records required  
19 by subsection 7 of section 160.261, RSMo, from all schools  
20 previously attended by the pupil within the last twelve months.  
21 Any school district that receives a request for such records from  
22 another school district enrolling a pupil that had previously  
23 attended a school in such district shall respond to such request  
24 within five business days of receiving the request. School  
25 districts may report or disclose education records to law  
26 enforcement and juvenile justice authorities if the disclosure  
27 concerns law enforcement's or juvenile justice authorities'  
28 ability to effectively serve, prior to adjudication, the student

1 whose records are released. The officials and authorities to  
2 whom such information is disclosed must comply with applicable  
3 restrictions set forth in 20 U.S.C. Section 1232g (b)(1)(E).

4 168.283. 1. The school district shall ensure that a  
5 criminal background check is conducted on any person employed  
6 after January 1, 2005, authorized to have contact with pupils and  
7 prior to the individual having contact with any pupil. Such  
8 persons include, but are not limited to, administrators,  
9 teachers, aides, paraprofessionals, assistants, secretaries,  
10 custodians, cooks, and nurses. For bus drivers, the background  
11 check conducted by the department of revenue for the issuance or  
12 renewal of a school bus permit under section 302.272, RSMo, shall  
13 satisfy the background check requirements of this section.

14 2. In order to facilitate the criminal history background  
15 check on any person employed after January 1, 2005, the applicant  
16 shall submit two sets of fingerprints collected pursuant to  
17 standards determined by the Missouri highway patrol. One set of  
18 fingerprints shall be used by the highway patrol to search the  
19 criminal history repository and the family care safety registry  
20 pursuant to sections 210.900 to 210.936, RSMo, and the second set  
21 shall be forwarded to the Federal Bureau of Investigation for  
22 searching the federal criminal history files.

23 3. The applicant shall pay the fee for the state criminal  
24 history record information pursuant to section 43.530, RSMo, and  
25 sections 210.900 to 210.936, RSMo, and pay the appropriate fee  
26 determined by the Federal Bureau of Investigation for the federal  
27 criminal history record when he or she applies for a position  
28 authorized to have contact with pupils pursuant to this section.

1 The department shall distribute the fees collected for the state  
2 and federal criminal histories to the Missouri highway patrol.

3 4. The school district may adopt a policy to provide for  
4 reimbursement of expenses incurred by an employee for state and  
5 federal criminal history information pursuant to section 43.530,  
6 RSMo.

7 5. If, as a result of the criminal history background check  
8 mandated by this section, it is determined that the holder of a  
9 certificate issued pursuant to section 168.021 has pled guilty or  
10 nolo contendere to, or been found guilty of a crime or offense  
11 listed in section 168.071, RSMo, or a similar crime or offense  
12 committed in another state, the United States, or any other  
13 country, regardless of imposition of sentence, such information  
14 shall be reported to the department of elementary and secondary  
15 education.

16 6. Any school official making a report to the department of  
17 elementary and secondary education in conformity with this  
18 section shall not be subject to civil liability for such action.

19 7. Nothing in this section shall be construed to alter the  
20 standards for suspension, denial, or revocation of a certificate  
21 issued pursuant to this chapter.

22 8. The state board of education may promulgate rules for  
23 criminal history background checks made pursuant to this section.  
24 Any rule or portion of a rule, as that term is defined in section  
25 536.010, RSMo, that is created under the authority delegated in  
26 this section shall become effective only if it complies with and  
27 is subject to all of the provisions of chapter 536, RSMo, and, if  
28 applicable, section 536.028, RSMo. This section and chapter 536,

1 RSMo, are nonseverable and if any of the powers vested with the  
2 general assembly pursuant to chapter 536, RSMo, to review, to  
3 delay the effective date, or to disapprove and annul a rule are  
4 subsequently held unconstitutional, then the grant of rulemaking  
5 authority and any rule proposed or adopted after the effective  
6 date of this section shall be invalid and void.

7 9. The provisions of this section shall become effective  
8 January 1, 2005.

9 191.748. Every hospital and any health care facility  
10 licensed in this state that provides obstetrical services shall  
11 offer to all new mothers an opportunity to view with the father  
12 and other persons of the mother's choosing a video on the dangers  
13 of shaking a baby and shaken baby syndrome before the mother's  
14 discharge from the facility. Such video shall be approved by the  
15 department of health and senior services.

16 192.016. 1. The department of health and senior services  
17 shall establish a putative father registry which shall record the  
18 names and addresses of:

19 (1) Any person adjudicated by a court of this state to be  
20 the father of a child born out of wedlock;

21 (2) Any person who has filed with the registry before or  
22 after the birth of a child out of wedlock, a notice of intent to  
23 claim paternity of the child;

24 (3) Any person adjudicated by a court of another state or  
25 territory of the United States to be the father of an  
26 out-of-wedlock child, where a certified copy of the court order  
27 has been filed with the registry by such person or any other  
28 person.

1           2. A person filing a notice of intent to claim paternity of  
2 a child or an acknowledgment of paternity shall file the  
3 acknowledgment affidavit form developed by the state registrar  
4 which shall include the minimum requirements prescribed by the  
5 Secretary of the United States Department of Health and Human  
6 Services pursuant to 42 U.S.C. Section 652(a)(7).

7           3. A person filing a notice of intent to claim paternity of  
8 a child shall notify the registry of any change of address.

9           4. A person who has filed a notice of intent to claim  
10 paternity may at any time revoke a notice of intent to claim  
11 paternity previously filed therewith and, upon receipt of such  
12 notification by the registry, the revoked notice of intent to  
13 claim paternity shall be deemed a nullity nunc pro tunc.

14           5. An unrevoked notice of intent to claim paternity of a  
15 child may be introduced in evidence by any party, other than the  
16 person who filed such notice, in any proceeding in which such  
17 fact may be relevant.

18           6. Lack of knowledge of the pregnancy does not excuse  
19 failure to timely file pursuant to subdivisions (b) or (c) of  
20 subdivision (2) of subsection 3 of section 453.030, RSMo.

21           7. Failure to timely file pursuant to subdivisions (b) or  
22 (c) of subsection 3 of section 453.030, RSMo, shall waive a man's  
23 right to withhold consent to an adoption proceeding unless:

24           (1) The person was led to believe through the mother's  
25 misrepresentation or fraud that:

26           (a) The mother was not pregnant when in fact she was; or

27           (b) The pregnancy was terminated when in fact the baby was  
28 born; or

1       (c) After the birth, the child died when in fact the child  
2       is alive; and

3       (2) The person upon the discovery of the misrepresentation  
4       or fraud satisfied the requirements of subdivision (b) or (c) of  
5       subsection 3 of section 453.030, RSMo, within fifteen days of  
6       that discovery.

7       8. The department shall, upon request and within two  
8       business days of such request, provide the names and addresses of  
9       persons listed with the registry to any court or authorized  
10      agency, or entity or person named in section 453.014, RSMo, and  
11      such information shall not be divulged to any other person,  
12      except upon order of a court for good cause shown.

13       [7.] 9. The department of health and senior services shall:

14       (1) Prepare forms for registration of paternity and an  
15      application for search of the putative father registry;

16       (2) Produce and distribute a pamphlet or publication  
17      informing the public about the putative father registry,  
18      including the procedures for voluntary acknowledgment of  
19      paternity, the consequences of acknowledgment and failure to  
20      acknowledge paternity pursuant to section 453.010, RSMo, [and the  
21      address of] a copy of the statement in subsection 10 of this  
22      section, and a detachable form meeting the requirements of  
23      subsection 2 of this section addressed to the putative father  
24      registry. Such pamphlet or publication shall be made available  
25      for distribution at all offices of the department of health and  
26      senior services. The department shall also provide such  
27      pamphlets or publications to the department of social services,  
28      hospitals, libraries, medical clinics, schools, universities, and

1 other providers of child-related services upon request;

2 (3) Provide information to the public at large by way of  
3 general public service announcements, or other ways to deliver  
4 information to the public about the putative father registry and  
5 its services.

6 10. Pursuant to subdivision (2) of subsection 9 of section  
7 192.016, RSMo, the following statement shall be contained in any  
8 pamphlet or publication informing the public about the putative  
9 father registry:

10 STATEMENT:

11 "DOES THE PUTATIVE FATHER REGISTRY APPLY TO ME?

12 Have you had protected or unprotected sexual  
13 intercourse with a woman who was not your wife within  
14 the last year?

15 IF YOU ANSWERED "YES" TO THIS QUESTION, THE  
16 PUTATIVE FATHER REGISTRY APPLIES TO YOU. MISSOURI LAW  
17 ASSUMES THAT YOU KNOW A CHILD MAY BE CONCEIVED IF YOU  
18 HAVE SEXUAL INTERCOURSE WITH A WOMAN AND REQUIRES YOU  
19 TO TAKE ACTION TO PROTECT YOUR RIGHTS IN ANY SUCH  
20 CHILD.

21 SHOULD I FILE THE ATTACHED CARD WITH  
22 THE PUTATIVE FATHER REGISTRY?

23 1. If a woman you have had sex with has a child,  
24 do you want to know if that child is yours?

25 2. If a woman you have had sex with has a child,  
26 do you want to claim that child as your own?

27 3. Do you want to be notified if a child born to  
28 that woman is placed for adoption?

1 IF YOU ANSWERED "YES" TO ANY OF THESE QUESTIONS, THEN  
2 YOU MUST FOLLOW THE INSTRUCTIONS IN THIS PAMPHLET.  
3 FAILURE TO FOLLOW THE INSTRUCTIONS PRESCRIBED BY LAW  
4 WILL JEOPARDIZE YOUR RIGHTS.

5 WHAT DO I HAVE TO DO TO PROTECT MY RIGHTS?

6 Under Missouri law, a man who conceives a child  
7 with a woman who is not his wife has the right to be  
8 notified if that child is placed for adoption. He also  
9 has the right to challenge the adoption if he desires  
10 and assume responsibility for that child. However, in  
11 order to have these rights, a father MUST follow the  
12 instructions below.

13 If you want to be notified of and have the ability  
14 to allow or challenge the adoption of a child you  
15 believe to be yours, you MUST do the following THREE  
16 things:

17 1. Fill out and send the detachable card attached  
18 to this pamphlet to the Registry.

19 WHY SHOULD I DO THIS?

20 a. You believe you are or may be the father of  
21 this child.

22 b. You want the State to recognize you as the  
23 child's father.

24 c. You want to receive notification if this child  
25 is placed for adoption.

26 WHAT IS THE TIME LIMIT TO SEND THIS IN?

27 You must file the card with the Registry before  
28 the child is born OR within fifteen days after the

1 child is born.

2 THE FACT THAT YOU DID NOT KNOW THE MOTHER WAS  
3 PREGNANT IS NOT AN EXCUSE FOR FAILURE TO FILE THE  
4 ATTACHED CARD!

5 2. Inform the Putative Father Registry of any  
6 change of address.

7 3. File a paternity case in court to establish  
8 that you are the child's father.

9 WHY SHOULD I DO THIS?

10 a. You believe you are or may be the father of  
11 this child.

12 b. You want the State to recognize you as the  
13 child's father.

14 c. You want to choose whether or not to allow or  
15 challenge an adoption of the child.

16 d. You want to support the child until he or she  
17 is 18 years old.

18 e. You want to raise the child.

19 WHAT IS THE TIME LIMIT TO FILE THIS CASE?

20 You must file the case with a court before the  
21 child is born OR within fifteen days after the child is  
22 born.

23 THE FACT THAT YOU DID NOT KNOW THE MOTHER WAS  
24 PREGNANT IS NOT AN EXCUSE FOR FAILURE TO FILE A CASE TO  
25 ESTABLISH THAT YOU ARE THE CHILD'S FATHER!"

26 207.050. In every county there [shall] may be established a  
27 county family services commission to consist of four persons, two  
28 from each of the two major political parties, to be selected by

1 the director of social services from a list submitted to the  
2 director of the department of social services by the county  
3 commission, consisting of double the number of appointments to be  
4 made. Each member of the county family services commission shall  
5 serve for a term of four years. Vacancies shall be filled in the  
6 same way in which the original appointment was made. [If the  
7 county commission fails or refuses to submit a list to the  
8 director of social services as required by this section for the  
9 appointment of members of the county family services commission  
10 within ten days after such appointments are to be made the  
11 director of social services shall make such appointments as may  
12 be necessary from a list prepared by the director of social  
13 services.] The duties of the county family services commission  
14 shall be advisory in nature with the power to examine the records  
15 of any case pending within their county and to make  
16 recommendations thereon. They shall serve without compensation,  
17 but shall be paid their traveling expenses and other necessary  
18 expense in the performance of their duty. No elective officer  
19 shall be appointed as a member of the county family services  
20 commission, and upon becoming a candidate for any elective  
21 office, such member of the county family services commission  
22 shall forthwith forfeit his or her position on the commission.  
23 Duties imposed by this law upon the several county commissions  
24 shall be performed in the city of St. Louis by the board of  
25 estimate and apportionment.

26 207.060. 1. The [director of family services shall  
27 establish] directors of the family support division and  
28 children's division shall jointly operate and maintain a county

1 office in every county, which may be in the charge of a county  
2 welfare director who shall have been a resident of the state of  
3 Missouri for a period of at least two years immediately prior to  
4 taking office and whose salary shall be paid from funds  
5 appropriated for the family support division [of family services]  
6 and children's division.

7 2. For the purpose of establishing and maintaining county  
8 offices, or carrying out any of the duties of the [division of  
9 family services] divisions, the [director of family services]  
10 division directors may enter into agreements with any political  
11 subdivision of this state, and as a part of such agreement, may  
12 accept moneys, services, or quarters as a contribution toward the  
13 support and maintenance of such county offices. Any funds so  
14 received shall be payable to the director of revenue and  
15 deposited in the proper special account in the state treasury,  
16 and become and be a part of state funds appropriated for the use  
17 of the [division of family services] family support division and  
18 children's division.

19 3. Other employees in the county offices shall be employed  
20 with due regard to the population of the county, existing  
21 conditions and purpose to be accomplished. Such employees shall  
22 be paid as are other employees of the [division of family  
23 services] family support division and children's division.

24 207.085. 1. Any employee of the children's division,  
25 including supervisory personnel and private contractors with the  
26 division, who is involved with child protective services and  
27 purposely, knowingly, and willfully violates a stated or written  
28 policy of the division, any rule promulgated by the division, or

1 any state law directly related to the child abuse and neglect  
2 activities of the division shall be dismissed if the violation  
3 directly results in serious physical injury or death, subject to  
4 the provisions of subsection 2 of this section. The provisions  
5 of this section shall apply to merit system employees of the  
6 division, as well as all other employees of the division and  
7 private contractors with the division, and upon a showing of a  
8 violation, such employees shall be dismissed for cause, subject  
9 to the provisions of subsection 2 of this section, and shall have  
10 the right of appeal pursuant to sections 36.380 and 36.390, RSMo.  
11 For purposes of this section, a "private contractor with the  
12 division" means any private entity or community action agency  
13 with the appropriate and relevant training and expertise in  
14 delivering services to children and their families as determined  
15 by the children's division, and capable of providing direct  
16 services and other family services for children in the custody of  
17 the children's division or any such entities or agencies that are  
18 receiving state moneys for such services.

19 2. The provisions of sections 660.019 to 660.021, RSMo,  
20 shall apply to this section. If an employee of the division or a  
21 private contractor with the division is responsible for caseload  
22 assignments in excess of those required to attain accreditation  
23 by the Council for Accreditation for Families and Children's  
24 Services, and the employee purposely, knowingly, and willfully  
25 violates a stated or written policy of the division, any rule  
26 promulgated by the division, or any state law directly related to  
27 the child abuse and neglect activities of the division and the  
28 violation directly results in serious physical injury or death,

1 the employee's good faith efforts to follow the stated or written  
2 policies of the division, the rules promulgated by the division,  
3 or the state laws directly related to the child abuse and neglect  
4 activities of the division shall be a mitigating factor in  
5 determining whether an employee of the division or a private  
6 contractor with the division is dismissed pursuant to subsection  
7 1 of this section.

8 208.647. Any child identified as having special health care  
9 needs, defined as a condition which left untreated would result  
10 in the death or serious physical injury of a child, that does not  
11 have access to affordable employer-subsidized health care  
12 insurance shall not be required to be without health care  
13 coverage for six months in order to be eligible for services  
14 under sections 208.631 to 208.657 and shall not be subject to the  
15 waiting period required under section 208.646, as long as the  
16 child meets all other qualifications for eligibility.

17 210.025. 1. To qualify for receipt of state or federal  
18 funds for providing child-care services in the home either by  
19 direct payment or through reimbursement to a child-care  
20 beneficiary, an applicant and any person over the age of  
21 ~~[eighteen]~~ seventeen who is living in the applicant's home shall  
22 be required to submit to a criminal background check pursuant to  
23 section 43.540, RSMo, and a check of the central registry for  
24 child abuse established in section 210.145. Effective January 1,  
25 2001, the requirements of this subsection or subsection 2 of this  
26 section shall be satisfied through registration with the family  
27 care safety registry established in sections 210.900 to 210.936.  
28 Any costs associated with such checks shall be paid by the

1 applicant.

2 2. Upon receipt of an application for state or federal  
3 funds for providing child-care services in the home, the family  
4 support division [of family services] shall:

5 (1) Determine if a [probable cause] finding of child abuse  
6 or neglect by probable cause prior to the effective date of this  
7 section or by a preponderance of the evidence after the effective  
8 date of this section involving the applicant or any person over  
9 the age of [eighteen] seventeen who is living in the applicant's  
10 home has been recorded pursuant to section 210.221 or 210.145;

11 (2) Determine if the applicant or any person over the age  
12 of [eighteen] seventeen who is living in the applicant's home has  
13 been refused licensure or has experienced licensure suspension or  
14 revocation pursuant to section 210.221 or 210.496; and

15 (3) Upon initial application, require the applicant to  
16 submit to fingerprinting and request a criminal background check  
17 of the applicant and any person over the age of [eighteen]  
18 seventeen who is living in the applicant's home pursuant to  
19 section 43.540, RSMo, and section 210.487, and inquire of the  
20 applicant whether any children less than seventeen years of age  
21 residing in the applicant's home have ever been certified as an  
22 adult and convicted of, or pled guilty or nolo contendere to any  
23 crime.

24 3. Except as otherwise provided in subsection 4 of this  
25 section, upon completion of the background checks in subsection 2  
26 of this section, an applicant shall be denied state or federal  
27 funds for providing child care if such applicant [or], any person  
28 over the age of [eighteen] seventeen who is living in the

1 applicant's home, and any child less than seventeen years of age  
2 who is living in the applicant's home and who the division has  
3 determined has been certified as an adult for the commission of a  
4 crime:

5 (1) Has had a [probable cause] finding of child abuse or  
6 neglect by probable cause prior to the effective date of this  
7 section or by a preponderance of the evidence after the effective  
8 date of this section pursuant to section 210.145 or section  
9 210.152;

10 (2) Has been refused licensure or has experienced licensure  
11 suspension or revocation pursuant to section 210.496;

12 (3) Has pled guilty or nolo contendere to or been found  
13 guilty of any felony for an offense against the person as defined  
14 by chapter 565, RSMo, or any other offense against the person  
15 involving the endangerment of a child as prescribed by law; of  
16 any misdemeanor or felony for a sexual offense as defined by  
17 chapter 566, RSMo; of any misdemeanor or felony for an offense  
18 against the family as defined in chapter 568, RSMo, with the  
19 exception of the sale of fireworks, as defined in section  
20 320.110, RSMo, to a child under the age of eighteen; of any  
21 misdemeanor or felony for pornography or related offense as  
22 defined by chapter 573, RSMo; or of any similar crime in any  
23 federal, state, municipal or other court of similar jurisdiction  
24 of which the director has knowledge or any offenses or reports  
25 which will disqualify an applicant from receiving state or  
26 federal funds.

27 4. An applicant shall be given an opportunity by the  
28 division to offer any extenuating or mitigating circumstances

1 regarding the findings, refusals or violations against such  
2 applicant or any person over the age of [eighteen] seventeen or  
3 less than seventeen who is living in the applicant's home listed  
4 in subsection 2 of this section. Such extenuating and mitigating  
5 circumstances may be considered by the division in its  
6 determination of whether to permit such applicant to receive  
7 state or federal funds for providing child care in the home.

8 5. An applicant who has been denied state or federal funds  
9 for providing child care in the home may appeal such denial  
10 decision in accordance with the provisions of section 208.080,  
11 RSMo.

12 6. If an applicant is denied state or federal funds for  
13 providing child care in the home based on the background check  
14 results for any person over the age of [eighteen] seventeen who  
15 is living in the applicant's home, the applicant shall not apply  
16 for such funds until such person is no longer living in the  
17 applicant's home.

18 7. Any rule or portion of a rule, as that term is defined  
19 in section 536.010, RSMo, that is created under the authority  
20 delegated in this section shall become effective only if it  
21 complies with and is subject to all of the provisions of chapter  
22 536, RSMo, and, if applicable, section 536.028, RSMo. All  
23 rulemaking authority delegated prior to August 28, 1999, is of no  
24 force and effect and repealed. Nothing in this section shall be  
25 interpreted to repeal or affect the validity of any rule filed or  
26 adopted prior to August 28, 1999, if it fully complied with all  
27 applicable provisions of law. This section and chapter 536,  
28 RSMo, are nonseverable and if any of the powers vested with the

1 general assembly pursuant to chapter 536, RSMo, to review, to  
2 delay the effective date or to disapprove and annul a rule are  
3 subsequently held unconstitutional, then the grant of rulemaking  
4 authority and any rule proposed or adopted after August 28, 1999,  
5 shall be invalid and void.

6 210.102. 1. It shall be the duty of the Missouri  
7 children's services commission to:

8 (1) Make recommendations which will encourage greater  
9 interagency coordination, cooperation, more effective utilization  
10 of existing resources and less duplication of effort in  
11 activities of state agencies which affect the legal rights and  
12 well-being of children in Missouri;

13 (2) Develop an integrated state plan for the care provided  
14 to children in this state through state programs;

15 (3) Develop a plan to improve the quality of [child day  
16 care] children's programs statewide. Such plan shall include,  
17 but not be limited to:

18 (a) Methods for promoting geographic availability and  
19 financial accessibility for all children and families in need of  
20 such services;

21 (b) Program recommendations for [child day care] children's  
22 services which include child development, education, supervision,  
23 health and social services;

24 (4) Design and implement evaluation of the activities of  
25 the commission in fulfilling the duties as set out in this  
26 section;

27 (5) Report annually to the governor with five copies each  
28 to the house of representatives and senate about its activities

1 including, but not limited to the following:

2 (a) A general description of the activities pertaining to  
3 children of each state agency having a member on the commission;

4 (b) A general description of the plans and goals, as they  
5 affect children, of each state agency having a member on the  
6 commission;

7 (c) Recommendations for statutory and appropriation  
8 initiatives to implement the integrated state plan;

9 (d) A report from the commission regarding the state of  
10 children in Missouri.

11 2. There is hereby established within the children's  
12 services commission the "Coordinating Board for Early Childhood",  
13 which shall constitute a body corporate and politic, and shall  
14 include but not be limited to the following members:

15 (1) A representative from the governor's office;

16 (2) A representative from each of the following  
17 departments: health and senior services, mental health, social  
18 services, and elementary and secondary education;

19 (3) A representative of the judiciary;

20 (4) A representative of the family and community trust  
21 board (FACT);

22 (5) A representative from the head start program;

23 (6) Nine members appointed by the governor with the advice  
24 and consent of the senate who are representatives of the groups,  
25 such as business, philanthropy, civic groups, faith-based  
26 organizations, parent groups, advocacy organizations, early  
27 childhood service providers, and other stakeholders.

1 The coordinating board may make all rules it deems necessary to  
2 enable it to conduct its meetings, elect its officers, and set  
3 the terms and duties of its officers. The coordinating board  
4 shall elect from amongst its members a chairperson, vice  
5 chairperson, a secretary-reporter, and such other officers as it  
6 deems necessary. Members of the board shall serve without  
7 compensation but may be reimbursed for actual expenses necessary  
8 to the performance of their official duties for the board.

9 3. The coordinating board for early childhood shall have  
10 the power to:

11 (1) Develop a comprehensive statewide long-range strategic  
12 plan for a cohesive early childhood system;

13 (2) Confer with public and private entities for the purpose  
14 of promoting and improving the development of children from birth  
15 through age five of this state;

16 (3) Identify legislative recommendations to improve  
17 services for children from birth through age five;

18 (4) Promote coordination of existing services and programs  
19 across public and private entities;

20 (5) Promote research-based approaches to services and  
21 ongoing program evaluation;

22 (6) Identify service gaps and advise public and private  
23 entities on methods to close such gaps;

24 (7) Apply for and accept gifts, grants, appropriations,  
25 loans, or contributions to the coordinating board for early  
26 childhood fund from any source, public or private, and enter into  
27 contracts or other transactions with any federal or state agency,  
28 any private organizations, or any other source in furtherance of

1 the purpose of subsections 2 and 3 of this section, and take any  
2 and all actions necessary to avail itself of such aid and  
3 cooperation;

4 (8) Direct disbursements from the coordinating board for  
5 early childhood fund as provided in this section;

6 (9) Administer the coordinating board for early childhood  
7 fund and invest any portion of the moneys not required for  
8 immediate disbursement in obligations of the United States or any  
9 agency or instrumentality of the United States, in obligations of  
10 the state of Missouri and its political subdivisions, in  
11 certificates of deposit and time deposits, or other obligations  
12 of banks and savings and loan associations, or in such other  
13 obligations as may be prescribed by the board;

14 (10) Purchase, receive, take by grant, gift, devise,  
15 bequest or otherwise, lease, or otherwise acquire, own, hold,  
16 improve, employ, use, and otherwise deal with real or personal  
17 property or any interests therein, wherever situated;

18 (11) Sell, convey, lease, exchange, transfer or otherwise  
19 dispose of all or any of its property or any interest therein,  
20 wherever situated;

21 (12) Employ and fix the compensation of an executive  
22 director and such other agents or employees as it considers  
23 necessary;

24 (13) Adopt, alter, or repeal by its own bylaws, rules, and  
25 regulations governing the manner in which its business may be  
26 transacted;

27 (14) Adopt and use an official seal;

28 (15) Assess or charge fees as the board determines to be

1 reasonable to carry out its purposes;

2 (16) Make all expenditures which are incident and necessary  
3 to carry out its purposes;

4 (17) Sue and be sued in its official name;

5 (18) Take such action, enter into such agreements, and  
6 exercise all functions necessary or appropriate to carry out the  
7 duties and purposes set forth in this section.

8 4. There is hereby created the "Coordinating Board for  
9 Early Childhood Fund" which shall consist of the following:

10 (1) Any moneys appropriated by the general assembly for use  
11 by the board in carrying out the powers set out in subsections 2  
12 and 3 of this section;

13 (2) Any moneys received from grants or which are given,  
14 donated, or contributed to the fund from any source;

15 (3) Any moneys received as fees authorized under  
16 subsections 2 and 3 of this section;

17 (4) Any moneys received as interest on deposits or as  
18 income on approved investments of the fund;

19 (5) Any moneys obtained from any other available source.

20  
21 Notwithstanding the provisions of section 33.080, RSMo, to the  
22 contrary, any moneys remaining in the coordinating board for  
23 early childhood fund at the end of the biennium shall not revert  
24 to the credit of the general revenue fund.

25 210.108. 1. As used in this section, "voluntary placement  
26 agreement" means a written agreement between the department of  
27 social services and a parent, legal guardian, or custodian of a  
28 child seventeen years of age or younger solely in need of mental

1 health treatment. A voluntary placement agreement developed  
2 under a department of mental health assessment and certification  
3 of appropriateness authorizes the department of social services  
4 to administer the placement and care of a child while the parent,  
5 legal guardian, or custodian of the child retains legal custody.

6 2. The department of social services may enter into a  
7 cooperative interagency agreement with the department of mental  
8 health authorizing the department of mental health to administer  
9 the placement and care of a child under a voluntary placement  
10 agreement. The department of mental health is defined as a child  
11 placing agency under section 210.481 solely for children placed  
12 under a voluntary placement agreement.

13 3. Any function delegated from the department of social  
14 services to the department of mental health regarding the  
15 placement and care of children shall be administered and  
16 supervised by the department of social services to ensure  
17 compliance with federal and state law.

18 4. The departments of social services and mental health may  
19 promulgate rules under this section. Any rule or portion of a  
20 rule, as that term is defined in section 536.010, RSMo, that is  
21 created under the authority delegated in this section shall  
22 become effective only if it complies with and is subject to all  
23 of the provisions of chapter 536, RSMo, and, if applicable,  
24 section 536.028, RSMo. This section and chapter 536, RSMo, are  
25 nonseverable and if any of the powers vested with the general  
26 assembly pursuant to chapter 536, RSMo, to review, to delay the  
27 effective date, or to disapprove and annul a rule are  
28 subsequently held unconstitutional, then the grant of rulemaking

1 authority and any rule proposed or adopted after August 28, 2004,  
2 shall be invalid and void.

3 210.109. 1. The children's division [of family services]  
4 shall establish a child protection system for the entire state.

5 2. The child protection system shall [seek to] promote the  
6 safety of children and the integrity and preservation of their  
7 families by conducting investigations or family assessments and  
8 providing services in response to reports of child abuse or  
9 neglect. The system shall [endeavor to] coordinate community  
10 resources and provide assistance or services to children and  
11 families identified to be at risk, and to prevent and remedy  
12 child abuse and neglect.

13 3. In addition to any duties specified in section 210.145,  
14 in implementing the child protection system, the division shall:

15 (1) Maintain a central registry;

16 (2) Receive reports and establish and maintain an  
17 information system operating at all times, capable of receiving  
18 and maintaining reports;

19 (3) Attempt to obtain the name and address of any person  
20 making a report in all cases, after obtaining relevant  
21 information regarding the alleged abuse or neglect, although  
22 reports may be made anonymously; except that, reports by  
23 mandatory reporters under section 210.115, including employees of  
24 the children's division, juvenile officers, and school personnel  
25 shall not be made anonymously;

26 (4) Upon receipt of a report, check with the information  
27 system to determine whether previous reports have been made  
28 regarding actual or suspected abuse or neglect of the subject

1 child, of any siblings, and the perpetrator, and relevant  
2 dispositional information regarding such previous reports;

3 (5) Provide protective or preventive services to the family  
4 and child and to others in the home to prevent abuse or neglect,  
5 to safeguard their health and welfare, and to help preserve and  
6 stabilize the family whenever possible. The juvenile court shall  
7 cooperate with the division in providing such services;

8 (6) Collaborate with the community to identify  
9 comprehensive local services and assure access to those services  
10 for children and families where there is risk of abuse or  
11 neglect;

12 (7) Maintain a record which contains the facts ascertained  
13 which support the determination as well as the facts that do not  
14 support the determination;

15 (8) Whenever available and appropriate, contract for the  
16 provision of children's services through children's services  
17 providers and agencies in the community; except that the state  
18 shall be the sole provider of child abuse and neglect hotline  
19 services, the initial child abuse and neglect investigation, and  
20 the initial family assessment. The division shall attempt to  
21 seek input from child welfare service providers in completing the  
22 initial family assessment. In all court proceedings involving  
23 children in the custody of the division, the division may be  
24 represented in court by either division personnel or persons with  
25 whom the division contracts with for such legal representation.  
26 All children's services providers and agencies shall be subject  
27 to criminal background checks pursuant to chapter 43, RSMo, and  
28 shall submit names of all employees to the family care safety

1 registry.

2  
3 As used in this subsection, "report" includes any telephone call  
4 made pursuant to section 210.145.

5 [4. By January 1, 1998, the division of family services  
6 shall submit documentation to the speaker of the house of  
7 representatives and the president pro tem of the senate on the  
8 success or failure of the child protection system established in  
9 this section. The general assembly may recommend statewide  
10 implementation or cancellation of the child protection system  
11 based on the success or failure of the system established in this  
12 section.

13 5. The documentation required by subsection 4 of this  
14 section shall include an independent evaluation of the child  
15 protection system completed according to accepted, objective  
16 research principles.]

17 210.110. As used in sections 210.109 to 210.165, and  
18 sections 210.180 to 210.183, the following terms mean:

19 (1) "Abuse", any physical injury, sexual abuse, or  
20 emotional abuse inflicted on a child other than by accidental  
21 means by those responsible for the child's care, custody, and  
22 control, except that discipline including spanking, administered  
23 in a reasonable manner, shall not be construed to be abuse;

24 (2) "Central registry", a registry of persons where the  
25 division has found probable cause to believe prior to the  
26 effective date of this section or by a preponderance of the  
27 evidence after the effective date of this section or a court has  
28 substantiated through court adjudication that the individual has

1 committed child abuse or neglect or the person has pled guilty or  
2 has been found guilty of a crime pursuant to section 565.020,  
3 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a  
4 child less than eighteen years of age, section 566.030 or  
5 566.060, RSMo, if the victim is a child less than eighteen years  
6 of age, or other crime pursuant to chapter 566, RSMo, if the  
7 victim is a child less than eighteen years of age and the  
8 perpetrator is twenty-one years of age or older, section 567.050,  
9 RSMo, if the victim is a child less than eighteen years of age,  
10 section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or  
11 568.090, RSMo, section 573.025 or 573.035, RSMo, or an attempt to  
12 commit any such crimes. Any persons placed on the registry prior  
13 to the effective date of this section, shall remain on the  
14 registry for the duration of time required by section 210.152;

15 (3) "Child", any person, regardless of physical or mental  
16 condition, under eighteen years of age;

17 (4) "Children's services providers and agencies", any  
18 public, quasi-public, or private entity with the appropriate and  
19 relevant training and expertise in delivering services to  
20 children and their families as determined by the children's  
21 division, and capable of providing direct services and other  
22 family services for children in the custody of the children's  
23 division or any such entities or agencies that are receiving  
24 state moneys for such services;

25 (5) "Director", the director of the Missouri children's  
26 division [of family] within the department of social services;

27 [(5)] (6) "Division", the Missouri children's division [of  
28 family] within the department of social services;

1           [(6)] (7) "Family assessment and services", an approach to  
2 be developed by the children's division [of family services]  
3 which will provide for a prompt assessment of a child who has  
4 been reported to the division as a victim of abuse or neglect by  
5 a person responsible for that child's care, custody or control  
6 and of that child's family, including risk of abuse and neglect  
7 and, if necessary, the provision of community-based services to  
8 reduce the risk and support the family;

9           (8) "Family support team meeting" or "team meeting", a  
10 meeting convened by the division or children's services provider  
11 in behalf of the family and/or child for the purpose of  
12 determining service and treatment needs, determining the need for  
13 placement and developing a plan for reunification or other  
14 permanency options, determining the appropriate placement of the  
15 child, evaluating case progress, and establishing and revising  
16 the case plan;

17           [(7)] (9) "Investigation", the collection of physical and  
18 verbal evidence to determine if a child has been abused or  
19 neglected;

20           [(8)] (10) "Jail or detention center personnel", employees  
21 and volunteers working in any premises or institution where  
22 incarceration, evaluation, care, treatment or rehabilitation is  
23 provided to persons who are being held under custody of the law;

24           [(9)] (11) "Neglect", failure to provide, by those  
25 responsible for the care, custody, and control of the child, the  
26 proper or necessary support, education as required by law,  
27 nutrition or medical, surgical, or any other care necessary for  
28 the child's well-being;

1           [(10)] (12) "Probable cause", available facts when viewed  
2 in the light of surrounding circumstances which would cause a  
3 reasonable person to believe a child was abused or neglected;

4           [(11)] (13) "Preponderance of the evidence", that degree of  
5 evidence that is of greater weight or more convincing than the  
6 evidence which is offered in opposition to it or evidence which  
7 as a whole shows the fact to be proved to be more probable than  
8 not;

9           (14) "Report", the communication of an allegation of child  
10 abuse or neglect to the division pursuant to section 210.115;

11           [(12)] (15) "Those responsible for the care, custody, and  
12 control of the child", those included but not limited to the  
13 parents or guardian of a child, other members of the child's  
14 household, or those exercising supervision over a child for any  
15 part of a twenty-four-hour day. Those responsible for the care,  
16 custody and control shall also include any adult who, based on  
17 relationship to the parents of the child, members of the child's  
18 household or the family, has access to the child.

19           210.111. By January 1, 2005, the children's division shall  
20 identify all children in the custody of the division currently  
21 receiving foster care services and shall report to the general  
22 assembly the type of foster care being provided, including but  
23 not limited to care provided in a licensed foster care home,  
24 institutional setting, residential setting, independent living  
25 setting, or kinship care setting, and the status of all such  
26 children. Nothing in this section shall be construed as  
27 requiring the division to disclose the identity or precise  
28 location of any child in the custody of the division.

1        210.112. 1. It is the policy of this state and its  
2 agencies to implement a foster care and child protection and  
3 welfare system focused on providing the highest quality of  
4 services and outcomes for children and their families. The  
5 department of social services shall implement such system subject  
6 to the following principles:

7        (1) The safety and welfare of children is paramount;

8        (2) Providers of direct services to children and their  
9 families will be evaluated in a uniform and consistent basis;

10       (3) Services to children and their families shall be  
11 provided in a timely manner to maximize the opportunity for  
12 successful outcomes; and

13       (4) Any provider of direct services to children and  
14 families shall have the appropriate and relevant training,  
15 education, and expertise to provide the highest quality of  
16 services possible which shall be consistent with but not less  
17 than the federal standards, and the standards and policies used  
18 by the children's division as of January 1, 2004.

19       2. On or before July 1, 2005, and subject to  
20 appropriations, the children's division and any other state  
21 agency deemed necessary by the division shall, in consultation  
22 with the community and providers of services, enter into and  
23 implement contracts with qualified children's services providers  
24 and agencies to provide a comprehensive and deliberate system of  
25 service delivery for children and their families. In  
26 implementing the contracts, direct services for children and  
27 their families currently provided by the children's division,  
28 except for services related to the child abuse and neglect

1 hotline, investigations of alleged child abuse and neglect, and  
2 initial family assessments, shall be contracted for by a  
3 competitive process and provided by children's services providers  
4 and agencies currently contracting with the state to provide such  
5 services and by public and private not-for-profit or limited  
6 liability corporations owned exclusively by not-for-profit  
7 corporations children's services providers and agencies which  
8 have:

9 (1) A proven record of providing child welfare services  
10 within the state of Missouri which shall be consistent with but  
11 not less than the federal standards, and the standards and  
12 policies used by the children's division as of January 1, 2004;  
13 and

14 (2) The ability to provide a range of child welfare  
15 services, which may include case management services, family-  
16 centered services, foster and adoptive parent recruitment and  
17 retention, residential care, in-home services, foster care  
18 services, adoption services, relative care case management,  
19 planned permanent living services, and family reunification  
20 services.

21  
22 Any contracts entered into by the division shall be in accordance  
23 with all federal laws and regulations, and shall not result in  
24 the loss of federal funding. Such children's services providers  
25 and agencies under contract with the division shall be subject to  
26 all federal, state, and local laws and regulations relating to  
27 the provision of such services, and shall be subject to oversight  
28 and inspection by appropriate state agencies to assure compliance

1 with standards which shall be consistent with but not less than  
2 the federal standards, and the standards and policies used by the  
3 children's division as of January 1, 2004.

4 3. In entering into and implementing contracts under  
5 subsection 2 of this section, the division shall consider and  
6 direct their efforts towards geographic areas of the state,  
7 including Greene County, where eligible direct children's  
8 services providers and agencies are currently available and  
9 capable of providing a broad range of services, including case  
10 management services, family-centered services, foster and  
11 adoptive parent recruitment and retention, residential care,  
12 family preservation services, foster care services, adoption  
13 services, relative care case management, other planned living  
14 arrangements, and family reunification services consistent with  
15 federal guidelines. Nothing in this subsection shall prohibit  
16 the division from contracting on an as-needed basis for any  
17 individual child welfare service listed above.

18 4. The contracts entered into under this section shall  
19 provide the following criteria:

20 (1) Contracts shall be for a term of no more than two  
21 years;

22 (2) Child welfare services shall be delivered to a child  
23 and the child's family by professionals who have substantial  
24 training, education, or competencies otherwise demonstrated in  
25 the area of children and family services;

26 (3) Children's services providers and agencies shall be  
27 evaluated by the division based on objective, consistent, and  
28 performance-based criteria;

1       (4) Any case management services provided shall be subject  
2 to a case management plan established under subsection 5 of this  
3 section which is consistent with all relevant federal guidelines.  
4 The case management plan shall focus on attaining permanency in  
5 children's living conditions to the greatest extent possible and  
6 shall include concurrent planning and independent living where  
7 appropriate in accordance with the best interests of each child  
8 served and considering relevant factors applicable to each  
9 individual case as provided by law, including:

10       (a) The interaction and interrelationship of a child with  
11 the child's foster parents, biological or adoptive parents,  
12 siblings, and any other person who may significantly affect the  
13 child's best interests;

14       (b) A child's adjustment to his or her foster home, school,  
15 and community;

16       (c) The mental and physical health of all individuals  
17 involved, including any history of abuse of or by any individuals  
18 involved; and

19       (d) The needs of the child for a continuing relationship  
20 with the child's biological or adoptive parents and the ability  
21 and willingness of the child's biological or adoptive parents to  
22 actively perform their functions as parents with regard to the  
23 needs of the child;

24       (4) The delivery system shall have sufficient flexibility  
25 to take into account children and families on a case-by-case  
26 basis;

27       (5) The delivery system shall provide a mechanism for the  
28 assessment of strategies to work with children and families

1 immediately upon entry into the system to maximize permanency and  
2 successful outcome in the shortest time possible and shall  
3 include concurrent planning. Outcome measures for private and  
4 public agencies shall be equal for each program; and

5 (6) Payment to the children's services providers and  
6 agencies shall be made based on the reasonable costs of services,  
7 including responsibilities necessary to execute the contract.  
8 Contracts shall provide incentives in addition to the costs of  
9 services provided in recognition of accomplishment of the case  
10 goals and the corresponding cost savings to the state. The  
11 division shall promulgate rules to implement the provisions of  
12 this subdivision.

13 5. Contracts entered into under this section shall require  
14 that a case management plan consistent with all relevant federal  
15 guidelines shall be developed for each child at the earliest time  
16 after the initial investigation, but in no event longer than  
17 fourteen days after the initial investigation or referral to the  
18 contractor by the division. Such case management plan shall be  
19 presented to the court and be the foundation of service delivery  
20 to the child and family. The case management plan shall, at a  
21 minimum, include:

22 (1) An outcome target based on the child and family  
23 situation achieving permanency or independent living, where  
24 appropriate;

25 (2) Services authorized and necessary to facilitate the  
26 outcome target;

27 (3) Timeframes in which services will be delivered; and

28 (4) Necessary evaluations and reporting.

1 In addition to any visits and assessments required under case  
2 management, services to be provided by a public or private  
3 children's services provider under the specific case management  
4 plan may include family-centered services, foster and adoptive  
5 parent recruitment and retention, residential care, in-home  
6 services, foster care services, adoption services, relative care  
7 case services, planned permanent living services, and family  
8 reunification services. In all cases, an appropriate level of  
9 services shall be provided to the child and family after  
10 permanency is achieved to assure a continued successful outcome.

11 6. On or before July 15, 2006, and each July fifteenth  
12 thereafter that the project is in operation, the division shall  
13 submit a report to the general assembly which shall include:

14 (1) Details about the specifics of the contracts, including  
15 the number of children and families served, the cost to the state  
16 for contracting such services, the current status of the children  
17 and families served, an assessment of the quality of services  
18 provided and outcomes achieved, and an overall evaluation of the  
19 project; and

20 (2) Any recommendations regarding the continuation or  
21 possible statewide implementation of such project; and

22 (3) Any information or recommendations directly related to  
23 the provision of direct services for children and their families  
24 that any of the contracting children's services providers and  
25 agencies request to have included in the report.

26 7. The division shall accept as prima facie evidence of  
27 completion of the requirements for licensure under sections  
28 210.481 to 210.511 proof that an agency is accredited by any of

1 the following nationally recognized bodies: the Council on  
2 Accreditation of Services, Children and Families, Inc.; the Joint  
3 Commission on Accreditation of Hospitals; or the Commission on  
4 Accreditation of Rehabilitation Facilities. The division shall  
5 not require any further evidence of qualification for licensure  
6 if such proof of voluntary accreditation is submitted.

7 8. By February 1, 2005, the children's division shall  
8 promulgate and have in effect rules to implement the provisions  
9 of this section, and pursuant to this section, shall define  
10 implementation plans and dates. Any rule or portion of a rule,  
11 as that term is defined in section 536.010, RSMo, that is created  
12 under the authority delegated in this section shall become  
13 effective only if it complies with and is subject to all of the  
14 provisions of chapter 536, RSMo, and, if applicable, section  
15 536.028, RSMo. This section and chapter 536, RSMo, are  
16 nonseverable and if any of the powers vested with the general  
17 assembly pursuant to chapter 536, RSMo, to review, to delay the  
18 effective date, or to disapprove and annul a rule are  
19 subsequently held unconstitutional, then the grant of rulemaking  
20 authority and any rule proposed or adopted after the effective  
21 date of this section shall be invalid and void.

22 210.113. It is the intent and goal of the general assembly  
23 to have the department attain accreditation by the Council for  
24 Accreditation for Families and Children's Services within five  
25 years of the effective date of this section.

26 210.117. No child taken into the custody of the state shall  
27 be reunited with a parent or placed in a home in which the parent  
28 or any person residing in the home has been found guilty of, or

1 pled guilty to, a felony violation of chapter 566, RSMo, except  
2 for section 566.034, RSMo, when a child was the victim, or a  
3 violation of section 568.020, 568.045, 568.060, 568.065, 568.070,  
4 568.080, 568.090, or 568.175, RSMo, except for subdivision (1) of  
5 subsection 1 of section 568.060, RSMo, when a child was the  
6 victim, or an offense committed in another state when a child is  
7 the victim, that would be a felony violation of chapter 566,  
8 RSMo, except for section 566.034, RSMo, or a violation of section  
9 568.020, 568.045, 568.060, 568.065, 568.070, 568.080, 568.090, or  
10 568.175, RSMo, except for subdivision (1) of subsection 1 of  
11 section 568.060, RSMo, if committed in Missouri; provided  
12 however, nothing in this section shall preclude the division from  
13 exercising its discretion regarding the placement of child in a  
14 home in which the parent or any person residing in the home has  
15 been found guilty of, or pled guilty or nolo contendere to any  
16 offense excepted or excluded in this section.

17 210.127. 1. If the location or identity of the biological  
18 parent or parents of a child in the custody of the division is  
19 unknown, the children's division shall utilize all reasonable and  
20 effective means available to conduct a diligent search for the  
21 biological parent or parents of such child.

22 2. For purposes of this section, "diligent search" means  
23 the efforts of the division, or an entity under contract with the  
24 division, to locate a biological parent whose identity or  
25 location is unknown, initiated as soon as the division is made  
26 aware of the existence of such parent, with the search progress  
27 reported at each court hearing until the parent is either  
28 identified and located or the court excuses further search.

210.145. 1. The division shall [establish and maintain]  
develop protocols which give priority to:

(1) Ensuring the well-being and safety of the child in  
instances where child abuse or neglect has been alleged;

(2) Promoting the preservation and reunification of  
children and families consistent with state and federal law;

(3) Providing due process for those accused of child abuse  
or neglect; and

(4) Maintaining an information system operating at all  
times, capable of receiving and maintaining reports. This  
information system shall have the ability to receive reports over  
a single, statewide toll-free number. Such information system  
shall maintain the results of all investigations, family  
assessments and services, and other relevant information.

2. The division shall utilize structured decision-making  
protocols for classification purposes of all child abuse and  
neglect reports. The protocols developed by the division shall  
give priority to ensuring the well-being and safety of the child.  
All child abuse and neglect reports shall be initiated within  
twenty-four hours and shall be classified based upon the reported  
risk and injury to the child. The division shall promulgate  
rules regarding the structured decision-making protocols to be  
utilized for all child abuse and neglect reports.

3. Upon receipt of a report, the division shall determine  
if the report merits investigation, including reports which if  
true would constitute a suspected violation of any of the  
following: section 565.020, 565.021, 565.023, 565.024, or  
565.050, RSMo, if the victim is a child less than eighteen years

1 of age, section 566.030 or 566.060, RSMo, if the victim is a  
2 child less than eighteen years of age, or other crimes under  
3 chapter 566, RSMo, if the victim is a child less than eighteen  
4 years of age and the perpetrator is twenty-one years of age or  
5 older, section 567.050, RSMo, if the victim is a child less than  
6 eighteen years of age, section 568.020, 568.030, 568.045,  
7 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025,  
8 573.035, 573.037, or 573.040, RSMo, or an attempt to commit any  
9 such crimes. The division shall immediately communicate [such  
10 report] all reports that merit investigation to its appropriate  
11 local office and any relevant information as may be contained in  
12 the information system. The local division staff shall  
13 determine, through the use of protocols developed by the  
14 division, whether an investigation or the family assessment and  
15 services approach should be used to respond to the allegation.  
16 The protocols developed by the division shall give priority to  
17 ensuring the well-being and safety of the child.

18 [3.] 4. The local office shall contact the appropriate law  
19 enforcement agency immediately upon receipt of a report which  
20 division personnel determine merits an investigation[, or, which,  
21 if true, would constitute a suspected violation of any of the  
22 following: section 565.020, 565.021, 565.023, 565.024 or  
23 565.050, RSMo, if the victim is a child less than eighteen years  
24 of age, section 566.030 or 566.060, RSMo, if the victim is a  
25 child less than eighteen years of age, or other crime under  
26 chapter 566, RSMo, if the victim is a child less than eighteen  
27 years of age and the perpetrator is twenty-one years of age or  
28 older, section 567.050, RSMo, if the victim is a child less than

1 eight years of age, section 568.020, 568.030, 568.045,  
2 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025,  
3 573.037 or 573.045, RSMo, or an attempt to commit any such  
4 crimes. The local office shall] and provide such agency with a  
5 detailed description of the report received. In such cases the  
6 local division office shall request the assistance of the local  
7 law enforcement agency in all aspects of the investigation of the  
8 complaint. The appropriate law enforcement agency shall either  
9 assist the division in the investigation or provide the division,  
10 within twenty-four hours, an explanation in writing detailing the  
11 reasons why it is unable to assist.

12 [4.] 5. The local office of the division shall cause an  
13 investigation or family assessment and services approach to be  
14 initiated [immediately or no later than within twenty-four hours  
15 of receipt of the report from the division] in accordance with  
16 the protocols established in subsection 2 of this section, except  
17 in cases where the sole basis for the report is educational  
18 neglect. If the report indicates that educational neglect is the  
19 only complaint and there is no suspicion of other neglect or  
20 abuse, the investigation shall be initiated within seventy-two  
21 hours of receipt of the report. If the report indicates the  
22 child is in danger of serious physical harm or threat to life, an  
23 investigation shall include direct observation of the subject  
24 child within twenty-four hours of the receipt of the report.  
25 Local law enforcement shall take all necessary steps to  
26 facilitate such direct observation. If the parents of the child  
27 are not the alleged abusers, a parent of the child must be  
28 notified prior to the child being interviewed by the division.

1 If the abuse is alleged to have occurred in a school or child-  
2 care facility the division shall not meet with the child [at the  
3 child's school or child-care facility] in the same school  
4 building or child-care facility building where abuse of such  
5 child is alleged to have occurred. When the child is reported  
6 absent from the residence, the location and the well-being of the  
7 child shall be verified. For purposes of this subsection,  
8 "child-care facility" shall have the same meaning as such term is  
9 defined in section 210.201.

10 [5.] 6. The director of the division shall name at least  
11 one chief investigator for each local division office, who shall  
12 direct the division response on any case involving a second or  
13 subsequent incident regarding the same subject child or  
14 perpetrator. The duties of a chief investigator shall include  
15 verification of direct observation of the subject child by the  
16 division and shall ensure information regarding the status of an  
17 investigation is provided to the public school district liaison.  
18 The public school district liaison shall develop protocol in  
19 conjunction with the chief investigator to ensure information  
20 regarding an investigation is shared with appropriate school  
21 personnel. The superintendent of each school district shall  
22 designate a specific person or persons to act as the public  
23 school district liaison. Should the subject child attend a  
24 nonpublic school the chief investigator shall notify the school  
25 principal of the investigation. Upon notification of an  
26 investigation, all information received by the public school  
27 district liaison or the school shall be subject to the provisions  
28 of the federal Family Educational Rights and Privacy Act (FERPA),

1 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

2 [6.] 7. The investigation shall include but not be limited  
3 to the nature, extent, and cause of the abuse or neglect; the  
4 identity and age of the person responsible for the abuse or  
5 neglect; the names and conditions of other children in the home,  
6 if any; the home environment and the relationship of the subject  
7 child to the parents or other persons responsible for the child's  
8 care; any indication of incidents of physical violence against  
9 any other household or family member; and other pertinent data.

10 [7.] 8. When a report has been made by a person required to  
11 report under section 210.115, the division shall contact the  
12 person who made such report within forty-eight hours of the  
13 receipt of the report in order to ensure that full information  
14 has been received and to obtain any additional information or  
15 medical records, or both, that may be pertinent.

16 [8.] 9. Upon completion of the investigation, if the  
17 division suspects that the report was made maliciously or for the  
18 purpose of harassment, the division shall refer the report and  
19 any evidence of malice or harassment to the local prosecuting or  
20 circuit attorney.

21 [9.] 10. Multidisciplinary teams shall be used whenever  
22 conducting the investigation as determined by the division in  
23 conjunction with local law enforcement. Multidisciplinary teams  
24 shall be used in providing protective or preventive social  
25 services, including the services of law enforcement, a liaison of  
26 the local public school, the juvenile officer, the juvenile  
27 court, and other agencies, both public and private.

28 11. For all family support team meetings involving an

1 alleged victim of child abuse or neglect, the parents, legal  
2 counsel for the parents, foster parents, the legal guardian or  
3 custodian of the child, the guardian ad litem for the child, and  
4 the volunteer advocate for the child shall be provided notice and  
5 be permitted to attend all such meetings. Family members, other  
6 than alleged perpetrators, or other community informal or formal  
7 service providers that provide significant support to the child  
8 and other individuals may also be invited at the discretion of  
9 the parents of the child. In addition, the parents, the legal  
10 counsel for the parents, the legal guardian or custodian and the  
11 foster parents may request that other individuals, other than  
12 alleged perpetrators, be permitted to attend such team meetings.  
13 Once a person is provided notice of or attends such team  
14 meetings, the division or the convenor of the meeting shall  
15 provide such persons with notice of all such subsequent meetings  
16 involving the child. Families may determine whether individuals  
17 invited at their discretion shall continue to be invited.

18       [10.] 12. If the appropriate local division personnel  
19 determine after an investigation has begun that completing an  
20 investigation is not appropriate, the division shall conduct a  
21 family assessment and services approach. The division shall  
22 provide written notification to local law enforcement prior to  
23 terminating any investigative process. The reason for the  
24 termination of the investigative process shall be documented in  
25 the record of the division and the written notification submitted  
26 to local law enforcement. Such notification shall not preclude  
27 nor prevent any investigation by law enforcement.

28       [11.] 13. If the appropriate local division personnel

determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

[12.] 14. Within thirty days of an oral report of abuse or neglect, the local office shall update the information in the

1 information system. The information system shall contain, at a  
2 minimum, the determination made by the division as a result of  
3 the investigation, identifying information on the subjects of the  
4 report, those responsible for the care of the subject child and  
5 other relevant dispositional information. The division shall  
6 complete all investigations within thirty days, unless good cause  
7 for the failure to complete the investigation is documented in  
8 the information system. If the investigation is not completed  
9 within thirty days, the information system shall be updated at  
10 regular intervals and upon the completion of the investigation.  
11 The information in the information system shall be updated to  
12 reflect any subsequent findings, including any changes to the  
13 findings based on an administrative or judicial hearing on the  
14 matter.

15 [13.] 15. A person required to report under section 210.115  
16 to the division and any person making a report of child abuse or  
17 neglect made to the division which is not made anonymously shall  
18 be informed by the division of his or her right to obtain  
19 information concerning the disposition of his or her report.  
20 Such person shall receive, from the local office, if requested,  
21 information on the general disposition of his or her report. [A]  
22 Such person [required to report to the division pursuant to  
23 section 210.115] may receive, if requested, findings and  
24 information concerning the case. Such release of information  
25 shall be at the discretion of the director based upon a review of  
26 the [mandated] reporter's ability to assist in protecting the  
27 child or the potential harm to the child or other children within  
28 the family. The local office shall respond to the request within

1     forty-five days. The findings shall be made available to the  
2     [mandated] reporter within five days of the outcome of the  
3     investigation. If the report is determined to be  
4     unsubstantiated, the reporter may request that the report be  
5     referred by the division to the office of child advocate for  
6     children's protection and services established in sections 37.700  
7     to 37.730, RSMo. Upon request by a reporter under this  
8     subsection, the division shall refer an unsubstantiated report of  
9     child abuse or neglect to the office of child advocate for  
10    children's protection and services.

11         [14.] 16. In any judicial proceeding involving the custody  
12     of a child the fact that a report may have been made pursuant to  
13     sections 210.109 to 210.183 shall not be admissible. However[,]:

14     (1) Nothing in this subsection shall prohibit the  
15     introduction of evidence from independent sources to support the  
16     allegations that may have caused a report to have been made; and

17     (2) The court may on its own motion, or shall if requested  
18     by a party to the proceeding, make an inquiry not on the record  
19     with the children's division to determine if such a report has  
20     been made. If a report has been made, the court may stay the  
21     custody proceeding until the children's division completes its  
22     investigation.

23         [15.] 17. In any judicial proceeding involving the custody  
24     of a child where the court determines that the child is in need  
25     of services pursuant to subdivision (d) of subsection 1 of  
26     section 211.031, RSMo, and has taken jurisdiction, the child's  
27     parent, guardian or custodian shall not be entered into the  
28     registry.

1           [16.] 18. The children's division [of family services] is  
2 hereby granted the authority to promulgate rules and regulations  
3 pursuant to the provisions of section 207.021, RSMo, and chapter  
4 536, RSMo, to carry out the provisions of sections 210.109 to  
5 210.183.

6           [17.] 19. Any rule or portion of a rule, as that term is  
7 defined in section 536.010, RSMo, that is created under the  
8 authority delegated in this section shall become effective only  
9 if it complies with and is subject to all of the provisions of  
10 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.  
11 This section and chapter 536, RSMo, are nonseverable and if any  
12 of the powers vested with the general assembly pursuant to  
13 chapter 536, RSMo, to review, to delay the effective date or to  
14 disapprove and annul a rule are subsequently held  
15 unconstitutional, then the grant of rulemaking authority and any  
16 rule proposed or adopted after August 28, 2000, shall be invalid  
17 and void.

18           210.147. 1. Except as otherwise provided by law, all  
19 information provided at any family support team meeting held in  
20 relation to the removal of a child from the child's home is  
21 confidential; except that:

22           (1) Any parent or party may waive confidentiality for  
23 himself or herself to the extent permitted by law; and

24           (2) Any parent of the child shall have an absolute right to  
25 video and/or audio tape such team meetings to the extent  
26 permitted by law; and

27           (3) No parent or party shall be required to sign a  
28 confidentiality agreement before testifying or providing

1 information at such team meetings. Any person, other than a  
2 parent or party, who does not agree to maintain confidentiality  
3 of the information provided at such team meetings may be excluded  
4 from all or any portion of such team meetings during which such  
5 person is not testifying or providing information.

6 2. The division shall be responsible for developing a form  
7 to be signed at the conclusion of any team meeting held in  
8 relation to a child removed from the home and placed in the  
9 custody of the state that reflects the core commitments made by  
10 the children's division or the convenor of the team meeting and  
11 the parents of the child or any other party. Beginning on the  
12 effective date of this section, the form used shall, at a  
13 minimum, contain the following provisions:

14 CORE COMMITMENTS

15 (1) Location of the child (not the specific address):  
16 (Circle One)

17 Remain in Current Placement New Placement

18 (2) Visitation Schedule for the Child's Family:  
19 (Circle One)

20 Supervised Unsupervised

21 (3) Actions Required of the Parents of the Child:

22 \_\_\_\_\_  
23 1.....  
24 .....  
25 \_\_\_\_\_  
26 2.....  
27 .....  
28 \_\_\_\_\_

1 3.....  
2 .....  
3

4 (4) Additional core commitments (if any):  
5 .....  
6 .....  
7 .....  
8 .....  
9

10 (5) Dissenting Comments (if any):  
11 .....  
12 .....  
13 .....  
14 .....  
15

16 The core commitments stated above have been discussed at the  
17 meeting and are true and accurate statements of the core  
18 commitments agreed to by the parties on this ..... day of  
19 ....., 20....

20 .....  
21 Parent 1 or Party 1  
22 .....

23 .....  
24 Parent 2 or Party 2  
25 .....

26 .....  
27 Division Representative/Convenor  
28

1 Any dissenting views shall be recorded and attested to on such  
2 form. The parents and any other party shall be provided with a  
3 copy of the signed document.

4 210.150. 1. The children's division [of family services]  
5 shall ensure the confidentiality of all reports and records made  
6 pursuant to sections 210.109 to 210.183 and maintained by the  
7 division, its local offices, the central registry, and other  
8 appropriate persons, officials, and institutions pursuant to  
9 sections 210.109 to 210.183. To protect the rights of the family  
10 and the child named in the report as a victim, the children's  
11 division [of family services] shall establish guidelines which  
12 will ensure that any disclosure of information concerning the  
13 abuse and neglect involving that child is made only to persons or  
14 agencies that have a right to such information. The division may  
15 require persons to make written requests for access to records  
16 maintained by the division. The division shall only release  
17 information to persons who have a right to such information. The  
18 division shall notify persons receiving information pursuant to  
19 subdivisions (2), (7), (8) and (9) of subsection 2 of this  
20 section of the purpose for which the information is released and  
21 of the penalties for unauthorized dissemination of information.  
22 Such information shall be used only for the purpose for which the  
23 information is released.

24 2. Only the following persons shall have access to  
25 investigation records contained in the central registry:

26 (1) Appropriate federal, state or local criminal justice  
27 agency personnel, or any agent of such entity, with a need for  
28 such information under the law to protect children from abuse or

1 neglect;

2 (2) A physician or a designated agent who reasonably  
3 believes that the child being examined may be abused or  
4 neglected;

5 (3) Appropriate staff of the division and of its local  
6 offices, including interdisciplinary teams which are formed to  
7 assist the division in investigation, evaluation and treatment of  
8 child abuse and neglect cases or a multidisciplinary provider of  
9 professional treatment services for a child referred to the  
10 provider;

11 (4) Any child named in the report as a victim, or a legal  
12 representative, or the parent, if not the alleged perpetrator, or  
13 guardian of such person when such person is a minor, or is  
14 mentally ill or otherwise incompetent, but the names of reporters  
15 shall not be furnished to persons in this category. Prior to the  
16 release of any identifying information, the division [of family  
17 services] shall determine if the release of such identifying  
18 information may place a person's life or safety in danger. If  
19 the division makes the determination that a person's life or  
20 safety may be in danger, the identifying information shall not be  
21 released. The division shall provide a method for confirming or  
22 certifying that a designee is acting on behalf of a subject;

23 (5) Any alleged perpetrator named in the report, but the  
24 names of reporters shall not be furnished to persons in this  
25 category. Prior to the release of any identifying information,  
26 the division [of family services] shall determine if the release  
27 of such identifying information may place a person's life or  
28 safety in danger. If the division makes the determination that a

1 person's life or safety may be in danger, the identifying  
2 information shall not be released. However, the investigation  
3 reports will not be released to any alleged perpetrator with  
4 pending criminal charges arising out of the facts and  
5 circumstances named in the investigation records until an  
6 indictment is returned or an information filed;

7 (6) A grand jury, juvenile officer, prosecuting attorney,  
8 law enforcement officer involved in the investigation of child  
9 abuse or neglect, juvenile court or other court conducting abuse  
10 or neglect or child protective proceedings or child custody  
11 proceedings, and other federal, state and local government  
12 entities, or any agent of such entity, with a need for such  
13 information in order to carry out its responsibilities under the  
14 law to protect children from abuse or neglect;

15 (7) Any person engaged in a bona fide research purpose,  
16 with the permission of the director; provided, however, that no  
17 information identifying the child named in the report as a victim  
18 or the reporters shall be made available to the researcher,  
19 unless the identifying information is essential to the research  
20 or evaluation and the child named in the report as a victim or,  
21 if the child is less than eighteen years of age, through the  
22 child's parent, or guardian provides written permission;

23 (8) Any child-care facility; child-placing agency;  
24 residential-care facility, including group homes; juvenile  
25 courts; public or private elementary schools; public or private  
26 secondary schools; or any other public or private agency  
27 exercising temporary supervision over a child or providing or  
28 having care or custody of a child who may request an examination

1 of the central registry from the division for all employees and  
2 volunteers or prospective employees and volunteers, who do or  
3 will provide services or care to children. Any agency or  
4 business recognized by the division [of family services] or  
5 business which provides training and places or recommends people  
6 for employment or for volunteers in positions where they will  
7 provide services or care to children may request the division to  
8 provide an examination of the central registry. Such agency or  
9 business shall provide verification of its status as a recognized  
10 agency. Requests for examinations shall be made to the division  
11 director or the director's designee in writing by the chief  
12 administrative officer of the above homes, centers, public and  
13 private elementary schools, public and private secondary schools,  
14 agencies, or courts. The division shall respond in writing to  
15 that officer. The response shall include information pertaining  
16 to the nature and disposition of any report or reports of abuse  
17 or neglect revealed by the examination of the central registry.  
18 This response shall not include any identifying information  
19 regarding any person other than the alleged perpetrator of the  
20 abuse or neglect;

21 (9) Any parent or legal guardian who inquires about a child  
22 abuse or neglect report involving a specific person or child-care  
23 facility who does or may provide services or care to a child of  
24 the person requesting the information. Request for examinations  
25 shall be made to the division director or the director's  
26 designee, in writing, by the parent or legal guardian of the  
27 child and shall be accompanied with a signed and notarized  
28 release form from the person who does or may provide care or

1 services to the child. The notarized release form shall include  
2 the full name, date of birth and Social Security number of the  
3 person who does or may provide care or services to a child. The  
4 response shall include information pertaining to the nature and  
5 disposition of any report or reports of abuse or neglect revealed  
6 by the examination of the central registry. This response shall  
7 not include any identifying information regarding any person  
8 other than the alleged perpetrator of the abuse or neglect. The  
9 response shall be given within ten working days of the time it  
10 was received by the division;

11 (10) Any person who inquires about a child abuse or neglect  
12 report involving a specific child-care facility, child-placing  
13 agency, residential-care facility, public and private elementary  
14 schools, public and private secondary schools, juvenile court or  
15 other state agency. The information available to these persons  
16 is limited to the nature and disposition of any report contained  
17 in the central registry and shall not include any identifying  
18 information pertaining to any person mentioned in the report;

19 (11) Any state agency acting pursuant to statutes regarding  
20 a license of any person, institution, or agency which provides  
21 care for or services to children;

22 (12) Any child fatality review panel established pursuant  
23 to section 210.192 or any state child fatality review panel  
24 established pursuant to section 210.195;

25 (13) Any person who is a tenure-track or full-time research  
26 faculty member at an accredited institution of higher education  
27 engaged in scholarly research, with the permission of the  
28 director. Prior to the release of any identifying information,

1 the director shall require the researcher to present a plan for  
2 maintaining the confidentiality of the identifying information.  
3 The researcher shall be prohibited from releasing the identifying  
4 information of individual cases.

5 3. Only the following persons shall have access to records  
6 maintained by the division pursuant to section 210.152 for which  
7 the division has received a report of child abuse and neglect and  
8 which the division has determined that there is insufficient  
9 evidence or in which the division proceeded with the family  
10 assessment and services approach:

11 (1) Appropriate staff of the division;

12 (2) Any child named in the report as a victim, or a legal  
13 representative, or the parent or guardian of such person when  
14 such person is a minor, or is mentally ill or otherwise  
15 incompetent. The names or other identifying information of  
16 reporters shall not be furnished to persons in this category.  
17 Prior to the release of any identifying information, the division  
18 [of family services] shall determine if the release of such  
19 identifying information may place a person's life or safety in  
20 danger. If the division makes the determination that a person's  
21 life or safety may be in danger, the identifying information  
22 shall not be released. The division shall provide for a method  
23 for confirming or certifying that a designee is acting on behalf  
24 of a subject;

25 (3) Any alleged perpetrator named in the report, but the  
26 names of reporters shall not be furnished to persons in this  
27 category. Prior to the release of any identifying information,  
28 the division [of family services] shall determine if the release

1 of such identifying information may place a person's life or  
2 safety in danger. If the division makes the determination that a  
3 person's life or safety may be in danger, the identifying  
4 information shall not be released. However, the investigation  
5 reports will not be released to any alleged perpetrator with  
6 pending criminal charges arising out of the facts and  
7 circumstances named in the investigation records until an  
8 indictment is returned or an information filed;

9 (4) Any child fatality review panel established pursuant to  
10 section 210.192 or any state child fatality review panel  
11 established pursuant to section 210.195;

12 (5) Appropriate criminal justice agency personnel or  
13 juvenile officer;

14 (6) Multidisciplinary agency or individual including a  
15 physician or physician's designee who is providing services to  
16 the child or family, with the consent of the parent or guardian  
17 of the child or legal representative of the child;

18 (7) Any person engaged in bona fide research purpose, with  
19 the permission of the director; provided, however, that no  
20 information identifying the subjects of the reports or the  
21 reporters shall be made available to the researcher, unless the  
22 identifying information is essential to the research or  
23 evaluation and the subject, or if a child, through the child's  
24 parent or guardian, provides written permission.

25 4. Any person who knowingly violates the provisions of this  
26 section, or who permits or encourages the unauthorized  
27 dissemination of information contained in the information system  
28 or the central registry and in reports and records made pursuant

1 to sections 210.109 to 210.183, shall be guilty of a class A  
2 misdemeanor.

3 5. Nothing in this section shall preclude the release of  
4 findings or information about cases which resulted in a child  
5 fatality or near fatality. Such release is at the sole  
6 discretion of the director of the department of social services,  
7 based upon a review of the potential harm to other children  
8 within the immediate family.

9 210.152. 1. All identifying information, including  
10 telephone reports reported pursuant to section 210.145, relating  
11 to reports of abuse or neglect received by the division shall be  
12 retained by the division and removed from the records of the  
13 division as follows:

14 (1) For investigation reports contained in the central  
15 registry, identifying information shall be retained by the  
16 division;

17 (2) For investigation reports initiated by a person  
18 required to report pursuant to section 210.115, where  
19 insufficient evidence of abuse or neglect is found by the  
20 division, identifying information shall be retained for [ten]  
21 five years from the date of the report. For all other  
22 investigation reports where insufficient evidence of abuse or  
23 neglect is found by the division, identifying information shall  
24 be retained for two years from the date of the report. Such  
25 report shall include any exculpatory evidence known by the  
26 division, including exculpatory evidence obtained after the  
27 closing of the case. At the end of such two-year period, the  
28 identifying information shall be removed from the records of the

1 division and destroyed;

2 (3) For reports where the division uses the family  
3 assessment and services approach, identifying information shall  
4 be retained by the division;

5 (4) For reports in which the division is unable to locate  
6 the child alleged to have been abused or neglected, identifying  
7 information shall be retained for ten years from the date of the  
8 report and then shall be removed from the records of the  
9 division.

10 2. Within ninety days after receipt of a report of abuse or  
11 neglect that is investigated, the alleged perpetrator named in  
12 the report and the parents of the child named in the report, if  
13 the alleged perpetrator is not a parent, shall be notified in  
14 writing of any determination made by the division based on the  
15 investigation. The notice shall advise either:

16 (1) That the division has determined by a probable cause  
17 finding prior to the effective date of this section or by a  
18 preponderance of the evidence after the effective date of this  
19 section that [there is probable cause to suspect] abuse or  
20 neglect exists and that the division shall retain all identifying  
21 information regarding the abuse or neglect; that such information  
22 shall remain confidential and will not be released except to law  
23 enforcement agencies, prosecuting or circuit attorneys, or as  
24 provided in section 210.150; that the alleged perpetrator has  
25 sixty days from the date of receipt of the notice to seek  
26 reversal of the division's determination through a review by the  
27 child abuse and neglect review board as provided in subsection 3  
28 of this section; or

1           (2) [There is insufficient probable cause of abuse or  
2 neglect.] That the division has not made a probable cause finding  
3 or determined by a preponderance of the evidence that abuse or  
4 neglect exists.

5           3. Any person named in an investigation as a perpetrator  
6 who is aggrieved by a determination of abuse or neglect by the  
7 division as provided in this section may seek an administrative  
8 review by the child abuse and neglect review board pursuant to  
9 the provisions of section 210.153. Such request for review shall  
10 be made within sixty days of notification of the division's  
11 decision under this section. In those cases where criminal  
12 charges arising out of facts of the investigation are pending,  
13 the request for review shall be made within sixty days from the  
14 court's final disposition or dismissal of the charges.

15           4. In any such action for administrative review, the child  
16 abuse and neglect review board shall sustain the division's  
17 determination if such determination [is] was supported by  
18 evidence of probable cause prior to the effective date of this  
19 section or is supported by a preponderance of the evidence after  
20 the effective date of this section and is not against the weight  
21 of such evidence. The child abuse and neglect review board  
22 hearing shall be closed to all persons except the parties, their  
23 attorneys and those persons providing testimony on behalf of the  
24 parties.

25           5. If the alleged perpetrator is aggrieved by the decision  
26 of the child abuse and neglect review board, the alleged  
27 perpetrator may seek de novo judicial review in the circuit court  
28 in the county in which the alleged perpetrator resides and in

1 circuits with split venue, in the venue in which the alleged  
2 perpetrator resides, or in Cole County. If the alleged  
3 perpetrator is not a resident of the state, proper venue shall be  
4 in Cole County. The case may be assigned to the family court  
5 division where such a division has been established. The request  
6 for a judicial review shall be made within sixty days of  
7 notification of the decision of the child abuse and neglect  
8 review board decision. In reviewing such decisions, the circuit  
9 court shall provide the alleged perpetrator the opportunity to  
10 appear and present testimony. The alleged perpetrator may  
11 subpoena any witnesses except the alleged victim or the reporter.  
12 However, the circuit court shall have the discretion to allow the  
13 parties to submit the case upon a stipulated record.

14 6. In any such action for administrative review, the child  
15 abuse and neglect review board shall notify the child or the  
16 parent, guardian or legal representative of the child that a  
17 review has been requested.

18 210.153. 1. There is hereby created in the department of  
19 social services the "Child Abuse and Neglect Review Board", which  
20 shall provide an independent review of child abuse and neglect  
21 determinations in instances in which the alleged perpetrator is  
22 aggrieved by the decision of the children's division [of family  
23 services]. The division may establish more than one board to  
24 assure timely review of the determination.

25 2. The board shall consist of nine members, who shall be  
26 appointed by the governor with the advice and consent of the  
27 senate, and shall include:

28 (1) A physician, nurse or other medical professional;

1           (2) A licensed child or family psychologist, counselor or  
2 social worker;

3           (3) An attorney who has acted as a guardian ad litem or  
4 other attorney who has represented a subject of a child abuse and  
5 neglect report;

6           (4) A representative from law enforcement or a juvenile  
7 office.

8           3. Other members of the board may be selected from:

9           (1) A person from another profession or field who has an  
10 interest in child abuse or neglect;

11           (2) A college or university professor or elementary or  
12 secondary teacher;

13           (3) A child advocate;

14           (4) A parent, foster parent or grandparent.

15           4. The following persons may participate in a child abuse  
16 and neglect review board review:

17           (1) Appropriate children's division [of family services]  
18 staff and legal counsel for the department;

19           (2) The alleged perpetrator, who may be represented pro se  
20 or be represented by legal counsel. The alleged perpetrator's  
21 presence is not required for the review to be conducted. The  
22 alleged perpetrator may submit a written statement for the  
23 board's consideration in lieu of personal appearance; and

24           (3) Witnesses providing information on behalf of the child,  
25 the alleged perpetrator or the department. Witnesses shall only  
26 be allowed to attend that portion of the review in which they are  
27 presenting information.

28           5. The members of the board shall serve without

1 compensation, but shall receive reimbursement for reasonable and  
2 necessary expenses actually incurred in the performance of their  
3 duties.

4 6. All records and information compiled, obtained, prepared  
5 or maintained by the child abuse and neglect review board in the  
6 course of any review shall be confidential information.

7 7. The department shall promulgate rules and regulations  
8 governing the operation of the child abuse and neglect review  
9 board except as otherwise provided for in this section. These  
10 rules and regulations shall, at a minimum, describe the length of  
11 terms, the selection of the chairperson, confidentiality,  
12 notification of parties and time frames for the completion of the  
13 review.

14 8. Findings of probable cause to suspect prior to the  
15 effective date of this section or findings by a preponderance of  
16 the evidence after the effective date of this section of child  
17 abuse and neglect by the division which are substantiated by  
18 court adjudication shall not be heard by the child abuse and  
19 neglect review board.

20 210.160. 1. In every case involving an abused or neglected  
21 child which results in a judicial proceeding, the judge shall  
22 appoint a guardian ad litem to appear for and represent:

23 (1) A child who is the subject of proceedings pursuant to  
24 sections 210.110 to 210.165, sections 210.700 to 210.760,  
25 sections 211.442 to 211.487, RSMo, or sections 453.005 to  
26 453.170, RSMo, or proceedings to determine custody or visitation  
27 rights under sections 452.375 to 452.410, RSMo; or

28 (2) A parent who is a minor, or who is a mentally ill

1 person or otherwise incompetent, and whose child is the subject  
2 of proceedings under sections 210.110 to 210.165, sections  
3 210.700 to 210.760, sections 211.442 to 211.487, RSMo, or  
4 sections 453.005 to 453.170, RSMo.

5 2. The guardian ad litem shall be provided with all reports  
6 relevant to the case made to or by any agency or person [and],  
7 shall have access to all records of such agencies or persons  
8 relating to the child or such child's family members or  
9 placements of the child, and upon appointment by the court to a  
10 case, shall be informed of and have the right to attend any and  
11 all family support team meetings involving the child. Employees  
12 of the division, officers of the court, and employees of any  
13 agency involved shall fully inform the guardian ad litem of all  
14 aspects of the case of which they have knowledge or belief.

15 3. The appointing judge shall require the guardian ad litem  
16 to faithfully discharge such guardian ad litem's duties, and upon  
17 failure to do so shall discharge such guardian ad litem and  
18 appoint another. The appointing judge shall have the authority  
19 to examine the general and criminal background of persons  
20 appointed as guardians ad litem, including utilization of the  
21 family care safety registry and access line pursuant to sections  
22 210.900 to 210.937, to ensure the safety and welfare of the  
23 children such persons are appointed to represent. The judge in  
24 making appointments pursuant to this section shall give  
25 preference to persons who served as guardian ad litem for the  
26 child in the earlier proceeding, unless there is a reason on the  
27 record for not giving such preference.

28 4. The guardian ad litem may be awarded a reasonable fee

1 for such services to be set by the court. The court, in its  
2 discretion, may award such fees as a judgment to be paid by any  
3 party to the proceedings or from public funds. However, no fees  
4 as a judgment shall be taxed against a party or parties who have  
5 not been found to have abused or neglected a child or children.  
6 Such an award of guardian fees shall constitute a final judgment  
7 in favor of the guardian ad litem. Such final judgment shall be  
8 enforceable against the parties in accordance with chapter 513,  
9 RSMo.

10 5. The court may designate volunteer advocates, who may or  
11 may not be attorneys licensed to practice law, to assist in the  
12 performance of the guardian ad litem duties for the court. The  
13 court shall have the authority to examine the general and  
14 criminal background of persons designated as volunteer advocates,  
15 including utilization of the family care safety registry and  
16 access line pursuant to sections 210.900 to 210.937, to ensure  
17 the safety and welfare of the children such persons are  
18 designated to represent. The volunteer advocate shall be  
19 provided with all reports relevant to the case made to or by any  
20 agency or person [and], shall have access to all records of such  
21 agencies or persons relating to the child or such child's family  
22 members or placements of the child, and upon designation by the  
23 court to a case, shall be informed of and have the right to  
24 attend any and all family support team meetings involving the  
25 child. Any such designated person shall receive no compensation  
26 from public funds. This shall not preclude reimbursement for  
27 reasonable expenses.

28 6. Any person appointed to perform guardian ad litem duties

1 shall have completed a training program in permanency planning  
2 and shall advocate for timely court hearings whenever possible to  
3 attain permanency for a child as expeditiously as possible to  
4 reduce the effects that prolonged foster care may have on a  
5 child. A nonattorney volunteer advocate shall have access to a  
6 court appointed attorney guardian ad litem should the  
7 circumstances of the particular case so require.

8 210.183. 1. At the time of the initial investigation of a  
9 report of child abuse or neglect, the division employee  
10 conducting the investigation shall provide the alleged  
11 perpetrator with a written description of the investigation  
12 process. Such written notice shall be given substantially in the  
13 following form:

14 "The investigation is being undertaken by the Children's  
15 Division [of Family Services] pursuant to the requirements of  
16 chapter 210 of the Revised Missouri Statutes in response to a  
17 report of child abuse or neglect.

18 ["]The identity of the person who reported the incident of  
19 abuse or neglect is confidential and may not even be known to the  
20 Division since the report could have been made anonymously.

21 ["]This investigation is required by law to be conducted in  
22 order to enable the Children's Division [of Family Services] to  
23 identify incidents of abuse or neglect in order to provide  
24 protective or preventive social services to families who are in  
25 need of such services.

26 ["]The division shall make every reasonable attempt to  
27 complete the investigation within thirty days. Within ninety  
28 days you will receive a letter from the Division which will

1 inform you of one of the following:

2 ["](1) That the Division has found insufficient evidence of  
3 abuse or neglect; or

4 ["](2) That there appears to be [probable cause] by a  
5 preponderance of the evidence reason to suspect the existence of  
6 child abuse or neglect in the judgment of the Division and that  
7 the Division will contact the family to offer social services.

8 ["]If the Division finds [there is probable cause] by a  
9 preponderance of the evidence reason to believe child abuse or  
10 neglect has occurred or the case is substantiated by court  
11 adjudication, a record of the report and information gathered  
12 during the investigation will remain on file with the Division.

13 ["]If you disagree with the determination of the Division  
14 and feel that there is insufficient [probable cause to believe]  
15 reason to believe by a preponderance of the evidence that abuse  
16 or neglect has occurred, you have a right to request an  
17 administrative review at which time you may hire an attorney to  
18 represent you. If you request an administrative review on the  
19 issue, you will be notified of the date and time of your  
20 administrative review hearing by the child abuse and neglect  
21 review board. If the division's decision is reversed by the  
22 child abuse and neglect review board, the Division records  
23 concerning the report and investigation will be updated to  
24 reflect such finding. If the child abuse and neglect review  
25 board upholds the division's decision, an appeal may be filed in  
26 circuit court within sixty days of the child abuse and neglect  
27 review board's decision."

28 2. If the division uses the family assessment approach, the

1 division shall at the time of the initial contact provide the  
2 parent of the child with the following information:

3 (1) The purpose of the contact with the family;

4 (2) The name of the person responding and his or her office  
5 telephone number;

6 (3) The assessment process to be followed during the  
7 division's intervention with the family including the possible  
8 services available and expectations of the family.

9 210.187. 1. The task force on children's justice  
10 established by the children's division within the department of  
11 social services to recommend improvements in the area of child  
12 abuse and neglect services and provide funding for such  
13 recommendations shall provide an independent review of policies  
14 and procedures of state and local child protective services  
15 agencies, and where appropriate, specific cases, and shall  
16 evaluate the extent to which the agencies are effectively  
17 discharging their child protection responsibilities.

18 2. Consistent with the task force's function of reviewing  
19 applications for federal grant moneys available to the state  
20 under the Children's Justice Act which are designed to assist  
21 eligible states in implementing programs for the handling,  
22 investigation, and prosecution of child abuse cases, the task  
23 force shall consider the awarding of grant moneys which address  
24 the issues that arise from the independent review conducted by  
25 the task force pursuant to subsection 1 of this section. As  
26 authorized by the Children's Justice Act, grant moneys shall be  
27 awarded for the following categories:

28 (1) Improvements to the investigative, administrative, and

1 judicial handling of cases of child abuse and neglect;

2 (2) Experimental, model, and demonstration programs for  
3 testing innovative approaches and techniques to improve the  
4 prompt and successful resolution of court proceedings or enhance  
5 the effectiveness and judicial administration action in child  
6 abuse and neglect cases; and

7 (3) Reform of state laws, rules, protocols, and procedures  
8 to provide comprehensive protection for children from abuse and  
9 neglect.

10 3. The members of the task force shall not disclose to any  
11 person or government official any identifying information  
12 concerning a specific child protection case with respect to which  
13 the task force is providing information and shall not make public  
14 other information unless authorized by federal or state law.

15 4. The task force shall be provided:

16 (1) Access to information on cases that the task force  
17 desires or is requested to review if such information is  
18 necessary for the task force to carry out its functions pursuant  
19 to this section; and

20 (2) Upon request, assistance from the department of social  
21 services for the performance of the task force's duties.

22 210.188. Beginning February 1, 2006, and each February  
23 first thereafter, the department of social services shall submit  
24 a report to the governor and the general assembly that includes  
25 the following information for the previous calendar year:

26 (1) The number of children who were reported to the state  
27 of Missouri during the year as abused or neglected;

28 (2) Of the number of children described in subdivision (1)

of this section, the number with respect to whom such reports were substantiated or unsubstantiated;

(3) Of the number of children described in subdivision (2) of this section:

(a) The number that did not receive or refused services during the year under a children's division program;

(b) The number that did receive services during the year under a state program; and

(c) The number that were removed from their families during the year by disposition of the case;

(4) The number of families that received preventive services from the state or a private service provider during the year;

(5) The number of deaths in the state during the year resulting from child abuse or neglect;

(6) Of the number of children described in subdivision (5) of this section, the number of children who were in foster care or received services from a private service provider;

(7) The number of child protective services workers responsible for the intake and screening of reports filed during the year;

(8) The agency response time with respect to each such report with respect to initial investigation of reports of child abuse or neglect;

(9) The response time with respect to the provision of services to families and children where an allegation of abuse or neglect has been made;

(10) The number of child protective services workers

1 responsible for intake, assessment, and investigation of child  
2 abuse and neglect reports relative to the number of reports  
3 investigated during the year;

4 (11) The number of children reunited with their families or  
5 receiving family preservation services that, within five years,  
6 result in subsequent substantiated reports of child abuse and  
7 neglect, including the death of the child; and

8 (12) The number of children in foster care who have been  
9 adopted.

10 210.201. As used in sections 210.201 to 210.257, the  
11 following terms mean:

12 (1) "Child", an individual who is under the age of  
13 seventeen;

14 (2) "Child-care facility", a house or other place conducted  
15 or maintained by any person who advertises or holds himself out  
16 as providing care for more than four children during the daytime,  
17 for compensation or otherwise, except those operated by a school  
18 system or in connection with a business establishment which  
19 provides child care as a convenience for its customers or its  
20 employees for no more than four hours per day, but a child-care  
21 facility shall not include any private or religious organization  
22 elementary or secondary school, a religious organization academic  
23 preschool or kindergarten for four- and five-year-old children, a  
24 home school, as defined in section 167.031, RSMo, a weekly Sunday  
25 or Sabbath school, a vacation Bible school or child care made  
26 available while the parents or guardians are attending worship  
27 services or other meetings and activities conducted or sponsored  
28 by a religious organization. If a facility or program is exempt

1 from licensure based on the school exception established in this  
2 subdivision, such facility or program shall submit documentation  
3 annually to the department to verify its licensure-exempt status;  
4 except that, under no circumstances shall any private or  
5 religious organization elementary or secondary school, a  
6 religious organization academic preschool or kindergarten for  
7 four- and five-year-old children, a home school, as defined in  
8 section 167.031, RSMo, a weekly Sunday or Sabbath school, a  
9 vacation Bible school or child care made available while the  
10 parents or guardians are attending worship services or other  
11 meetings and activities conducted or sponsored by a religious  
12 organization be required to submit documentation annually to the  
13 department to verify its licensure-exempt status;

14 (3) "Person", any person, firm, corporation, association,  
15 institution or other incorporated or unincorporated organization;

16 (4) "Religious organization", a church, synagogue or  
17 mosque; an entity that has or would qualify for federal  
18 tax-exempt status as a nonprofit religious organization under  
19 Section 501(c) of the Internal Revenue Code; or an entity whose  
20 real estate on which the child-care facility is located is exempt  
21 from taxation because it is used for religious purposes.

22 210.211. 1. It shall be unlawful for any person to  
23 establish, maintain or operate a child-care facility for  
24 children, or to advertise or hold himself or herself out as being  
25 able to perform any of the services as defined in section  
26 210.201, without having in effect a written license granted by  
27 the department of health and senior services; except that nothing  
28 in sections 210.203 to 210.245 shall apply to:

1           (1) Any person who is caring for four or fewer children.  
2 For purposes of this subdivision, children who are related by  
3 blood, marriage or adoption to such person within the third  
4 degree shall not be considered in the total number of children  
5 being cared for;

6           (2) Any person who has been duly appointed by a court of  
7 competent jurisdiction the guardian of the person of the child or  
8 children, or the person who has legal custody of the child or  
9 children;

10          (3) Any person who receives free of charge, and not as a  
11 business, for periods not exceeding ninety consecutive days, as  
12 bona fide, occasional and personal guests the child or children  
13 of personal friends of such person, and who receives custody of  
14 no other unrelated child or children;

15          (4) Any graded boarding school, summer camp, hospital,  
16 sanitarium or home which is conducted in good faith primarily to  
17 provide education, recreation, medical treatment, or nursing or  
18 convalescent care for children;

19          (5) Any child-care facility maintained or operated under  
20 the exclusive control of a religious organization. When a  
21 nonreligious organization, having as its principal purpose the  
22 provision of child-care services, enters into an arrangement with  
23 a religious organization for the maintenance or operation of a  
24 child-care facility, the facility is not under the exclusive  
25 control of the religious organization;

26          (6) Any residential facility or day program licensed by the  
27 department of mental health pursuant to sections 630.705 to  
28 630.760, RSMo, which provides care, treatment and habilitation

1 exclusively to children who have a primary diagnosis of mental  
2 disorder, mental illness, mental retardation or developmental  
3 disability, as defined in section 630.005, RSMo; and

4 (7) Any nursery school.

5 2. Notwithstanding the provisions of subsection 1 of this  
6 section, no child-care facility shall be exempt from licensure if  
7 such facility receives any state or federal funds for providing  
8 care for children, except for federal funds for those programs  
9 which meet the requirements for participation in the Child and  
10 Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to  
11 parents for child care pursuant to sections 210.201 to 210.257  
12 shall not be construed to be funds received by [the] a person or  
13 facility listed in subdivisions (1) and (5) of subsection 1 of  
14 this section.

15 210.482. 1. If the emergency placement of a child in a  
16 private home is necessary due to the unexpected absence of the  
17 child's parents, legal guardian, or custodian, the juvenile court  
18 or children's division:

19 (1) May request that a local or state law enforcement  
20 agency or juvenile officer, subject to any required federal  
21 authorization, immediately conduct a name-based criminal history  
22 record check to include full orders of protection and outstanding  
23 warrants of each person over the age of seventeen residing in the  
24 home by using the Missouri uniform law enforcement system (MULES)  
25 and the National Crime Information Center to access the  
26 Interstate Identification Index maintained by the Federal Bureau  
27 of Investigation; and

28 (2) Shall determine or, in the case of the juvenile court,

1 shall request the division to determine whether any person over  
2 the age of seventeen years residing in the home is listed on the  
3 child abuse and neglect registry.

4  
5 For any children less than seventeen years of age residing in the  
6 home, the children's division shall inquire of the person with  
7 whom an emergency placement of a child will be made whether any  
8 children less than seventeen years of age residing in the home  
9 have ever been certified as an adult and convicted of, or pled  
10 guilty or nolo contendere to any crime.

11 2. If a name-based search has been conducted pursuant to  
12 subsection 1 of this section, within fifteen business days after  
13 the emergency placement of the child in the private home, and if  
14 the private home has not previously been approved as a foster or  
15 adoptive home, all persons over the age of seventeen residing in  
16 the home and all children less than seventeen residing in the  
17 home who the division has determined has been certified as an  
18 adult for the commission of a crime, other than persons within  
19 the second degree of consanguinity and affinity to the child,  
20 shall report to a local law enforcement agency for the purpose of  
21 providing two sets of fingerprints each and accompanying fees,  
22 pursuant to section 43.530, RSMo. One set of fingerprints shall  
23 be used by the highway patrol to search the criminal history  
24 repository and the second set shall be forwarded to the Federal  
25 Bureau of Investigation for searching the federal criminal  
26 history files. Results of the checks will be provided to the  
27 juvenile court or children's division office requesting such  
28 information. Any child placed in emergency placement in a

1 private home shall be removed immediately if any person residing  
2 in the home fails to provide fingerprints after being requested  
3 to do so, unless the person refusing to provide fingerprints  
4 ceases to reside in the private home.

5 3. If the placement of a child is denied as a result of a  
6 name-based criminal history check and the denial is contested,  
7 all persons over the age of seventeen residing in the home and  
8 all children less than seventeen years of age residing in the  
9 home who the division has determined has been certified as an  
10 adult for the commission of a crime shall, within fifteen  
11 business days, submit to the juvenile court or the children's  
12 division two sets of fingerprints in the same manner described in  
13 subsection 2 of this section, accompanying fees, and written  
14 permission authorizing the juvenile court or the children's  
15 division to forward the fingerprints to the state criminal record  
16 repository for submission to the Federal Bureau of Investigation.  
17 One set of fingerprints shall be used by the highway patrol to  
18 search the criminal history repository and the second set shall  
19 be forwarded to the Federal Bureau of Investigation for searching  
20 the federal criminal history files.

21 4. Subject to appropriation, the total cost of  
22 fingerprinting required by this section may be paid by the state,  
23 including reimbursement of persons incurring fingerprinting costs  
24 under this section.

25 5. For the purposes of this section, "emergency placement"  
26 refers to those limited instances when the juvenile court or  
27 children's division is placing a child in the home of private  
28 individuals, including neighbors, friends, or relatives, as a

1 result of a sudden unavailability of the child's primary  
2 caretaker.

3 210.487. 1. When conducting investigations of persons for  
4 the purpose of foster parent licensing, the division shall:

5 (1) Conduct a search for all persons over the age of  
6 seventeen in the applicant's household for evidence of full  
7 orders of protection. The office of state courts administrator  
8 shall allow access to the automated court information system by  
9 the division. The clerk of each court contacted by the division  
10 shall provide the division information within ten days of a  
11 request; and

12 (2) Obtain two sets of fingerprints for any person over the  
13 age of seventeen in the applicant's household in the same manner  
14 set forth in subsection 2 of section 210.482. One set of  
15 fingerprints shall be used by the highway patrol to search the  
16 criminal history repository and the second set shall be forwarded  
17 to the Federal Bureau of Investigation for searching the federal  
18 criminal history files. The highway patrol shall assist the  
19 division and provide the criminal fingerprint background  
20 information, upon request; and

21 (3) Determine whether any person over the age of seventeen  
22 residing in the home is listed on the child abuse and neglect  
23 registry.

24 2. Subject to appropriation, the total cost of  
25 fingerprinting required by this section may be paid by the state,  
26 including reimbursement of persons incurring fingerprinting costs  
27 under this section.

28 3. The division may make arrangements with other executive

1 branch agencies to obtain any investigative background  
2 information.

3 4. The division may promulgate rules that are necessary to  
4 implement the provisions of this section. Any rule or portion of  
5 a rule, as that term is defined in section 536.010, RSMo, that is  
6 created under the authority delegated in this section shall  
7 become effective only if it complies with and is subject to all  
8 of the provisions of chapter 536, RSMo, and, if applicable,  
9 section 536.028, RSMo. This section and chapter 536, RSMo, are  
10 nonseverable and if any of the powers vested with the general  
11 assembly pursuant to chapter 536, RSMo, to review, to delay the  
12 effective date, or to disapprove and annul a rule are  
13 subsequently held unconstitutional, then the grant of rulemaking  
14 authority and any rule proposed or adopted after the effective  
15 date of this section shall be invalid and void.

16 210.518. 1. The department of social services, the  
17 department of mental health, the department of elementary and  
18 secondary education and all subdivisions thereof shall develop  
19 and implement through interagency agreement a common system of  
20 classification for assessing the needs of a child and common  
21 terminology to describe the services to be provided to the child.  
22 The agreement must establish a standardized form and set of  
23 records to be kept for such children which shall include, if  
24 applicable to such child, any individualized education plan,  
25 diagnostic summary, school history, school records, medical  
26 history, court records, placement orders and any criminal  
27 history. The agreement shall be adopted and in effect on or  
28 before July 1, 1999.

1        2. To facilitate the coordination of services being  
2 provided to children, interagency meetings pursuant to subsection  
3 1 of this section shall be held as frequently as appropriate to  
4 address and review any actions being taken by agency personnel  
5 involved in the provision of services to a child and to ensure  
6 the existence of a continuation of services to prevent and treat  
7 child abuse and neglect, evaluate data, policy, and practices,  
8 and assure the quality of services provided to children. The  
9 agencies shall document which staff members attended such  
10 meetings. If any services for the child are provided through  
11 contracted providers, such providers shall be included in the  
12 meetings described in this section.

13        210.535. The department of social services, shall:

14        (1) Submit amendments to state plans and seek available  
15 waivers from the federal Department of Health and Human Services  
16 to enhance federal reimbursement and federal administrative  
17 reimbursement for foster care and adoption assistance under Title  
18 IV-E of the Social Security Act and Title XIX of the Social  
19 Security Act; and

20        (2) Take the necessary steps to qualify the state for  
21 receipt of any federal block grant moneys which are or will be  
22 available for foster care and adoption assistance.

23        210.542. 1. The children's division shall provide certain  
24 standards and training that prospective foster care parents shall  
25 meet before becoming licensed.

26        2. The children's division shall provide performance-based  
27 criteria for the evaluation of licensed foster parents and may  
28 establish by rule the frequency of such evaluation.

210.565. 1. Whenever a child is placed in a foster home and the court has determined pursuant to subsection 3 of this section that foster home placement with relatives is not contrary to the best interest of the child, the children's division [of family services] shall give [preference and first consideration for] foster home placement to relatives of the child.

Notwithstanding any rule of the division to the contrary, grandparents who request consideration shall be given preference and first consideration for foster home placement.

2. As used in this section, the term "relative" means a person related to another by blood or affinity within the third degree. The status of a grandparent shall not be affected by the death or the dissolution of the marriage of a son or daughter.

3. The preference for placement with relatives created by this section shall only apply where the court finds that placement with such relatives is [in] not contrary to the best interest of the child considering all circumstances. If the court finds that it is contrary to the best interest of a child to be placed with relatives, the court shall make specific findings on the record detailing the reasons why the best interests of the child necessitate placement of the child with persons other than relatives.

4. The age of the child's relative shall not be the only factor that the children's division takes into consideration when it makes placement decisions and recommendations to the court about placing the child with such relative.

5. For any native American child placed in protective custody, the children's division shall comply with the placement

1 requirements set forth in 25 U.S.C. Section 1915.

2 210.760. 1. In making placements in foster care the  
3 children's division [of family services] shall:

4 (1) Arrange for a preplacement visit of the child, except  
5 in emergencies;

6 (2) Provide full and accurate medical information and  
7 medical history to the persons providing foster care at the time  
8 of placement;

9 (3) Give a minimum of five days advance notice to the  
10 persons providing foster care before removing a child from their  
11 care;

12 (4) Provide the persons giving foster care with a written  
13 statement of the reasons for removing a child at the time of the  
14 notification required by this section; [and]

15 (5) Notify the child's parent or legal guardian that the  
16 child has been placed in foster care; and

17 \_\_\_\_\_ (6) Work with the [natural] parent or legal guardian of the  
18 child, through services available, in an effort to return the  
19 child to his or her natural home, if at all possible, or to place  
20 the child in a permanent adoptive setting, in accordance with the  
21 division's goals to reduce the number of children in long-term  
22 foster care and reestablish and encourage the family unit.

23 2. Except as otherwise provided in section 210.125, no  
24 child shall be removed from school prior to the end of the  
25 official school day for that child for placement in foster care  
26 without a court order specifying that the child shall be removed  
27 from school.

28 210.762. 1. When a child is taken into custody by a

1 juvenile officer or law enforcement official under subdivision  
2 (1) of subsection 1 of section 211.031, RSMo, and initially  
3 placed with the division, the division may make a temporary  
4 placement and shall arrange for a family support team meeting  
5 prior to or within twenty-four hours following the protective  
6 custody hearing held under section 211.032, RSMo. After a child  
7 is in the division's custody and a temporary placement has been  
8 made, the division shall arrange an additional family support  
9 team meeting prior to taking any action relating to the placement  
10 of such child; except that, when the welfare of a child in the  
11 custody of the division requires an immediate or emergency change  
12 of placement, the division may make a temporary placement and  
13 shall schedule a family support team meeting within seventy-two  
14 hours.

15 2. The parents, the legal counsel for the parents, the  
16 foster parents, the legal guardian or custodian of the child, the  
17 guardian ad litem for the child, and the volunteer advocate, and  
18 any designee of the parent that has written authorization shall  
19 be notified and invited to participate in all family support team  
20 meetings. The family support team meeting may include such other  
21 persons whose attendance at the meeting may assist the team in  
22 making appropriate decisions in the best interests of the child.  
23 If the division finds that it is not in the best interest of a  
24 child to be placed with relatives, the division shall make  
25 specific findings in the division's report detailing the reasons  
26 why the best interests of the child necessitate placement of the  
27 child with persons other than relatives.

28 3. The division shall use the form created in subsection 2

1 of section 210.147 to be signed upon the conclusion of the  
2 meeting pursuant to subsection 1 of this section confirming that  
3 all involved parties are aware of the team's decision regarding  
4 the custody and placement of the child. Any dissenting views  
5 must be recorded and attested to on such form.

6 4. The case manager shall be responsible for including such  
7 form with the case records of the child.

8 210.903. 1. To protect children, the elderly, and disabled  
9 individuals in this state, and to promote family and community  
10 safety by providing information concerning family caregivers,  
11 there is hereby established within the department of health and  
12 senior services a "Family Care Safety Registry and Access Line"  
13 which shall be available by January 1, 2001.

14 2. The family care safety registry shall contain  
15 information on child-care workers', elder-care workers', and  
16 personal-care workers' background and on child-care, elder-care  
17 and personal-care providers through:

18 (1) The patrol's criminal record check system pursuant to  
19 section 43.540, RSMo, including state and national information,  
20 to the extent possible;

21 (2) Probable cause findings of abuse and neglect prior to  
22 the effective date of this section or findings of abuse and  
23 neglect by a preponderance of the evidence after the effective  
24 date of this section pursuant to sections 210.109 to 210.183 and,  
25 as of January 1, 2003, financial exploitation of the elderly or  
26 disabled, pursuant to section 570.145, RSMo;

27 (3) The division of aging's employee disqualification list  
28 pursuant to section 660.315, RSMo;

1           (4) As of January 1, 2003, the department of mental  
2 health's employee disqualification registry;

3           (5) Foster parent licensure denials, revocations and  
4 involuntary suspensions pursuant to section 210.496;

5           (6) Child-care facility license denials, revocations and  
6 suspensions pursuant to sections 210.201 to 210.259;

7           (7) Residential living facility and nursing home license  
8 denials, revocations, suspensions and probationary status  
9 pursuant to chapter 198, RSMo; and

10          (8) As of January 1, 2004, a check of the patrol's Missouri  
11 uniform law enforcement system (MULES) for sexual offender  
12 registrations pursuant to section 589.400, RSMo.

13          210.909. 1. Upon submission of a completed registration  
14 form by a child-care worker, elder-care worker or personal-care  
15 attendant, the department shall:

16           (1) Determine if a probable cause finding of child abuse or  
17 neglect prior to the effective date of this section or a finding  
18 of child abuse or neglect by a preponderance of the evidence  
19 after the effective date of this section involving the applicant  
20 has been recorded pursuant to sections 210.109 to 210.183 and, as  
21 of January 1, 2003, if there is a probable cause finding of  
22 financial exploitation of the elderly or disabled pursuant to  
23 section 570.145, RSMo;

24           (2) Determine if the applicant has been refused licensure  
25 or has experienced involuntary licensure suspension or revocation  
26 pursuant to section 210.496;

27           (3) Determine if the applicant has been placed on the  
28 employee disqualification list pursuant to section 660.315, RSMo;

1           (4) As of January 1, 2003, determine if the applicant is  
2 listed on the department of mental health's employee  
3 disqualification registry;

4           (5) Determine through a request to the patrol pursuant to  
5 section 43.540, RSMo, whether the applicant has any criminal  
6 history record for a felony or misdemeanor or any offense for  
7 which the person has registered pursuant to sections 589.400 to  
8 589.425, RSMo; and

9           (6) If the background check involves a provider, determine  
10 if a facility has been refused licensure or has experienced  
11 licensure suspension, revocation or probationary status pursuant  
12 to sections 210.201 to 210.259 or chapter 198, RSMo; and

13           (7) As of January 1, 2004, determine through a request to  
14 the patrol if the applicant is a registered sexual offender  
15 pursuant to section 589.400, RSMo, listed in the Missouri uniform  
16 law enforcement system (MULES).

17           2. Upon completion of the background check described in  
18 subsection 1 of this section, the department shall include  
19 information in the registry for each registrant as to whether any  
20 convictions, employee disqualification listings, registry  
21 listings, probable cause findings, pleas of guilty or nolo  
22 contendere, or license denial, revocation or suspension have been  
23 documented through the records checks authorized pursuant to the  
24 provisions of sections 210.900 to 210.936.   3. The department  
25 shall notify such registrant in writing of the results of the  
26 determination recorded on the registry pursuant to this section.

27           211.031. 1. Except as otherwise provided in this chapter,  
28 the juvenile court or the family court in circuits that have a

1 family court as provided in sections 487.010 to 487.190, RSMo,  
2 shall have exclusive original jurisdiction in proceedings:

3 (1) Involving any child or person seventeen years of age  
4 who may be a resident of or found within the county and who is  
5 alleged to be in need of care and treatment because:

6 (a) The parents, or other persons legally responsible for  
7 the care and support of the child or person seventeen years of  
8 age, neglect or refuse to provide proper support, education which  
9 is required by law, medical, surgical or other care necessary for  
10 his or her well-being; except that reliance by a parent, guardian  
11 or custodian upon remedial treatment other than medical or  
12 surgical treatment for a child or person seventeen years of age  
13 shall not be construed as neglect when the treatment is  
14 recognized or permitted pursuant to the laws of this state;

15 (b) The child or person seventeen years of age is otherwise  
16 without proper care, custody or support; or

17 (c) The child or person seventeen years of age was living  
18 in a room, building or other structure at the time such dwelling  
19 was found by a court of competent jurisdiction to be a public  
20 nuisance pursuant to section 195.130, RSMo;

21 (d) The child or person seventeen years of age is a child  
22 in need of mental health services and the parent, guardian or  
23 custodian is unable to afford or access appropriate mental health  
24 treatment or care for the child;

25 (2) Involving any child who may be a resident of or found  
26 within the county and who is alleged to be in need of care and  
27 treatment because:

28 (a) The child while subject to compulsory school attendance

1 is repeatedly and without justification absent from school; or

2 (b) The child disobeys the reasonable and lawful directions  
3 of his or her parents or other custodian and is beyond their  
4 control; or

5 (c) The child is habitually absent from his or her home  
6 without sufficient cause, permission, or justification; or

7 (d) The behavior or associations of the child are otherwise  
8 injurious to his or her welfare or to the welfare of others; or

9 (e) The child is charged with an offense not classified as  
10 criminal, or with an offense applicable only to children; except  
11 that, the juvenile court shall not have jurisdiction over any  
12 child fifteen and one-half years of age who is alleged to have  
13 violated a state or municipal traffic ordinance or regulation,  
14 the violation of which does not constitute a felony, or any child  
15 who is alleged to have violated a state or municipal ordinance or  
16 regulation prohibiting possession or use of any tobacco product;

17 (3) Involving any child who is alleged to have violated a  
18 state law or municipal ordinance, or any person who is alleged to  
19 have violated a state law or municipal ordinance prior to  
20 attaining the age of seventeen years, in which cases jurisdiction  
21 may be taken by the court of the circuit in which the child or  
22 person resides or may be found or in which the violation is  
23 alleged to have occurred; except that, the juvenile court shall  
24 not have jurisdiction over any child fifteen and one-half years  
25 of age who is alleged to have violated a state or municipal  
26 traffic ordinance or regulation, the violation of which does not  
27 constitute a felony, or any child who is alleged to have violated  
28 a state or municipal ordinance or regulation prohibiting

1 possession or use of any tobacco product;

2 (4) For the adoption of a person;

3 (5) For the commitment of a child or person seventeen years  
4 of age to the guardianship of the department of social services  
5 as provided by law.

6 2. Transfer of a matter, proceeding, jurisdiction or  
7 supervision for a child or person seventeen years of age who  
8 resides in a county of this state shall be made as follows:

9 (1) Prior to the filing of a petition and upon request of  
10 any party or at the discretion of the juvenile officer, the  
11 matter in the interest of a child or person seventeen years of  
12 age may be transferred by the juvenile officer, with the prior  
13 consent of the juvenile officer of the receiving court, to the  
14 county of the child's residence or the residence of the person  
15 seventeen years of age for future action;

16 (2) Upon the motion of any party or on its own motion prior  
17 to final disposition on the pending matter, the court in which a  
18 proceeding is commenced may transfer the proceeding of a child or  
19 person seventeen years of age to the court located in the county  
20 of the child's residence or the residence of the person seventeen  
21 years of age, or the county in which the offense pursuant to  
22 subdivision (3) of subsection 1 of this section is alleged to  
23 have occurred for further action;

24 (3) Upon motion of any party or on its own motion, the  
25 court in which jurisdiction has been taken pursuant to subsection  
26 1 of this section may at any time thereafter transfer  
27 jurisdiction of a child or person seventeen years of age to the  
28 court located in the county of the child's residence or the

1 residence of the person seventeen years of age for further action  
2 with the prior consent of the receiving court;

3 (4) Upon motion of any party or upon its own motion at any  
4 time following a judgment of disposition or treatment pursuant to  
5 section 211.181, the court having jurisdiction of the cause may  
6 place the child or person seventeen years of age under the  
7 supervision of another juvenile court within or without the state  
8 pursuant to section 210.570, RSMo, with the consent of the  
9 receiving court;

10 (5) Upon motion of any child or person seventeen years of  
11 age or his or her parent, the court having jurisdiction shall  
12 grant one change of judge pursuant to Missouri Supreme Court  
13 Rules;

14 (6) Upon the transfer of any matter, proceeding,  
15 jurisdiction or supervision of a child or person seventeen years  
16 of age, certified copies of all legal and social documents and  
17 records pertaining to the case on file with the clerk of the  
18 transferring juvenile court shall accompany the transfer.

19 3. In any proceeding involving any child or person  
20 seventeen years of age taken into custody in a county other than  
21 the county of the child's residence or the residence of a person  
22 seventeen years of age, the juvenile court of the county of the  
23 child's residence or the residence of a person seventeen years of  
24 age shall be notified of such taking into custody within  
25 seventy-two hours.

26 4. When an investigation by a juvenile officer pursuant to  
27 this section reveals that the only basis for action involves an  
28 alleged violation of section 167.031, RSMo, involving a child who

1 alleges to be home schooled, the juvenile officer shall contact a  
2 parent or parents of such child to verify that the child is being  
3 home schooled and not in violation of section 167.031, RSMo,  
4 before making a report of such a violation. Any report of a  
5 violation of section 167.031, RSMo, made by a juvenile officer  
6 regarding a child who is being home schooled shall be made to the  
7 prosecuting attorney of the county where the child legally  
8 resides.

9       211.032. 1. Except as otherwise provided in a circuit  
10 participating in a pilot project established by the Missouri  
11 supreme court, when a child or person seventeen years of age,  
12 alleged to be in need of care and treatment pursuant to  
13 subdivision (1) of subsection 1 of section 211.031, is taken into  
14 custody, the [juvenile or family] court shall notify the parties  
15 [of the right to have a protective custody hearing. Such  
16 notification shall be in writing.

17       2. Upon request from any party, the court shall] and hold a  
18 protective custody hearing[. Such hearing shall be held] within  
19 three days of the [request for a hearing] child being taken into  
20 custody, excluding Saturdays, Sundays and legal holidays. For  
21 circuits participating in a pilot project established by the  
22 Missouri supreme court, the parties shall be notified at the  
23 status conference of their right to request a protective custody  
24 hearing.

25       [3.] 2. The court shall hold an adjudication hearing no  
26 later than sixty days after the child has been taken into  
27 custody. The court shall notify the parties in writing of the  
28 specific date, time, and place of such hearing. If at such

1 hearing the court determines that sufficient cause exists for the  
2 child to remain in the custody of the state, the court shall  
3 conduct a dispositional hearing no later than ninety days after  
4 the child has been taken into custody and shall conduct review  
5 hearings regarding the reunification efforts made by the division  
6 every ninety to one hundred twenty days for the first year the  
7 child is in the custody of the division. After the first year,  
8 review hearings shall be held as necessary, but in no event less  
9 than once every six months for as long as the child is in the  
10 custody of the division.

11       3. At [the protective custody hearing] all hearings held  
12 pursuant to this section the court may receive testimony and  
13 other evidence relevant to the necessity of detaining the child  
14 out of the custody of the parents, guardian or custodian.

15       4. By January 1, 2005, the supreme court shall develop  
16 rules regarding the effect of untimely hearings.

17       5. If the placement of any child in the custody of the  
18 children's division will result in the child attending a school  
19 other than the school the child was attending when taken into  
20 custody:

21       (1) The child's records from such school shall  
22 automatically be forwarded to the school that the child is  
23 transferring to upon notification within two business days by the  
24 division; or

25       (2) Upon request of the foster family, the guardian ad  
26 litem, or the volunteer advocate and whenever possible, the child  
27 shall be permitted to continue to attend the same school that the  
28 child was enrolled in and attending at the time the child was

1 taken into custody by the division. The division, in  
2 consultation with the department of elementary and secondary  
3 education, shall establish the necessary procedures to implement  
4 the provisions of this subsection.

5 211.038. No child under the jurisdiction of the juvenile  
6 court shall be reunited with a parent or placed in a home in  
7 which the parent or any person residing in the home has been  
8 found guilty of, or pled guilty to, a felony violation of chapter  
9 566, RSMo, except for section 566.034, RSMo, when a child was the  
10 victim, or a violation of sections 568.020, 568.045, 568.060,  
11 568.065, 568.070, 568.080, 568.090, and 568.175, RSMo, except for  
12 subdivision (1) of subsection 1 of section 568.060, RSMo, when a  
13 child was the victim, or an offense committed in another state  
14 when a child is the victim, that would be a felony violation of  
15 chapter 566, RSMo, except for section 566.034, RSMo, or a  
16 violation of sections 568.020, 568.045, 568.060, 568.065,  
17 568.070, 568.080, 568.090, and 568.175, RSMo, except for  
18 subdivision (1) of subsection 1 of section 568.060, RSMo, if  
19 committed in Missouri; provided however, nothing in this section  
20 shall preclude the juvenile court from exercising its discretion  
21 regarding the placement of child in a home in which the parent or  
22 any person residing in the home has been found guilty of, or pled  
23 guilty or nolo contendere to any offense excepted or excluded in  
24 this section.

25 211.059. 1. When a child is taken into custody by a  
26 juvenile officer or law enforcement official, with or without a  
27 warrant for an offense in violation of the juvenile code or the  
28 general law which would place the child under the jurisdiction of

1 the juvenile court pursuant to subdivision (2) or (3) of  
2 subsection 1 of section 211.031, the child shall be advised prior  
3 to questioning:

4 (1) That he has the right to remain silent; and

5 (2) That any statement he does make to anyone can be and  
6 may be used against him; and

7 (3) That he has a right to have a parent, guardian or  
8 custodian present during questioning; and

9 (4) That he has a right to consult with an attorney and  
10 that one will be appointed and paid for him if he cannot afford  
11 one.

12 2. If the child indicates in any manner and at any stage of  
13 questioning pursuant to this section that he does not wish to be  
14 questioned further, the officer shall cease questioning.

15 3. When a child is taken into custody by a juvenile officer  
16 or law enforcement official which places the child under the  
17 jurisdiction of the juvenile court under subdivision (1) of  
18 subsection 1 of section 211.031, including any interactions with  
19 the child by the children's division, the following shall apply:

20 (1) If the child indicates in any manner at any stage  
21 during questioning involving the alleged abuse and neglect that  
22 the child does not wish to be questioned any further on the  
23 allegations, or that the child wishes to have his or her parent,  
24 legal guardian, or custodian if such parent, guardian, or  
25 custodian is not the alleged perpetrator, or his or her attorney  
26 present during questioning as to the alleged abuse, the  
27 questioning of the child shall cease on the alleged abuse and  
28 neglect until such a time that the child does not object to

1 talking about the alleged abuse and neglect. Nothing in this  
2 subdivision shall be construed to prevent the asking of any  
3 questions necessary for the care, treatment, or placement of a  
4 child; and

5 (2) Notwithstanding any prohibition of hearsay evidence,  
6 all video or audio recordings of any meetings, interviews, or  
7 interrogations of a child shall be presumed admissible as  
8 evidence in any court or administrative proceeding involving the  
9 child if the following conditions are met:

10 (a) Such meetings, interviews, or interrogations of the  
11 child are conducted by the state prior to or after the child is  
12 taken into the custody of the state; and

13 (b) Such video or audio recordings were made prior to the  
14 adjudication hearing in the case. Nothing in this paragraph  
15 shall be construed to prohibit the videotaping or audiotaping of  
16 any such meetings, interviews, or interrogations of a child after  
17 the adjudication hearing; and

18 (3) Only upon a showing by clear and convincing evidence  
19 that such a video or audio recording lacks sufficient indicia of  
20 reliability shall such recording be inadmissible.

21  
22 The provisions of this subsection shall not apply to statements  
23 admissible under section 491.075 or 492.304, RSMo, in criminal  
24 proceedings.

25 211.171. 1. The procedure to be followed at the hearing  
26 shall be determined by the juvenile court judge and may be as  
27 formal or informal as he or she considers desirable, consistent  
28 with constitutional and statutory requirements. The judge may

1 take testimony and inquire into the habits, surroundings,  
2 conditions and tendencies of the child and the family to enable  
3 the court to render such order or judgment as will best promote  
4 the welfare of the child and carry out the objectives of this  
5 chapter.

6 2. The hearing may, in the discretion of the court, proceed  
7 in the absence of the child and may be adjourned from time to  
8 time.

9 3. The current foster parents of a child, or any  
10 preadoptive parent or relative currently providing care for the  
11 child, shall be provided with notice of, and an opportunity to be  
12 heard in, any [permanency or other review] hearing to be held  
13 with respect to the child. This subsection shall not be  
14 construed to require that any such foster parent, preadoptive  
15 parent or relative providing care for a child be made a party to  
16 the case solely on the basis of such notice and opportunity to be  
17 heard.

18 4. All cases of children shall be heard separately from the  
19 trial of cases against adults.

20 5. Stenographic notes or an authorized recording of the  
21 hearing shall be required if the court so orders or, if requested  
22 by any party interested in the proceeding.

23 6. The general public shall be excluded and only such  
24 persons admitted as have a direct interest in the case or in the  
25 work of the court except in cases where the child is accused of  
26 conduct which, if committed by an adult, would be considered a  
27 class A or B felony; or for conduct which would be considered a  
28 class C felony, if the child has previously been formally

1 adjudicated for the commission of two or more unrelated acts  
2 which would have been class A, B or C felonies, if committed by  
3 an adult.

4 7. The practice and procedure customary in proceedings in  
5 equity shall govern all proceedings in the juvenile court; except  
6 that, the court shall not grant a continuance in such proceedings  
7 absent compelling extenuating circumstances, and in such cases,  
8 the court shall make written findings on the record detailing the  
9 specific reasons for granting a continuance.

10 8. The court shall allow the victim of any offense to  
11 submit a written statement to the court. The court shall allow  
12 the victim to appear before the court personally or by counsel  
13 for the purpose of making a statement, unless the court finds  
14 that the presence of the victim would not serve justice. The  
15 statement shall relate solely to the facts of the case and any  
16 personal injuries or financial loss incurred by the victim. A  
17 member of the immediate family of the victim may appear  
18 personally or by counsel to make a statement if the victim has  
19 died or is otherwise unable to appear as a result of the offense  
20 committed by the child.

21 211.181. 1. When a child or person seventeen years of age  
22 is found by the court to come within the applicable provisions of  
23 subdivision (1) of subsection 1 of section 211.031, the court  
24 shall so decree and make a finding of fact upon which it  
25 exercises its jurisdiction over the child or person seventeen  
26 years of age, and the court may, by order duly entered, proceed  
27 as follows:

28 (1) Place the child or person seventeen years of age under

1 supervision in his own home or in the custody of a relative or  
2 other suitable person after the court or a public agency or  
3 institution designated by the court conducts an investigation of  
4 the home, relative or person and finds such home, relative or  
5 person to be suitable and upon such conditions as the court may  
6 require;

7 (2) Commit the child or person seventeen years of age to  
8 the custody of:

9 (a) A public agency or institution authorized by law to  
10 care for children or to place them in family homes; except that,  
11 such child or person seventeen years of age may not be committed  
12 to the department of social services, division of youth services;

13 (b) Any other institution or agency which is authorized or  
14 licensed by law to care for children or to place them in family  
15 homes;

16 (c) An association, school or institution willing to  
17 receive the child or person seventeen years of age in another  
18 state if the approval of the agency in that state which  
19 administers the laws relating to importation of children into the  
20 state has been secured; or

21 (d) The juvenile officer;

22 (3) Place the child or person seventeen years of age in a  
23 family home;

24 (4) Cause the child or person seventeen years of age to be  
25 examined and treated by a physician, psychiatrist or psychologist  
26 and when the health or condition of the child or person seventeen  
27 years of age requires it, cause the child or person seventeen  
28 years of age to be placed in a public or private hospital, clinic

1 or institution for treatment and care; except that, nothing  
2 contained herein authorizes any form of compulsory medical,  
3 surgical, or psychiatric treatment of a child or person seventeen  
4 years of age whose parents or guardian in good faith are  
5 providing other remedial treatment recognized or permitted under  
6 the laws of this state;

7 (5) The court may order, pursuant to subsection 2 of  
8 section 211.081, that the child receive the necessary services in  
9 the least restrictive appropriate environment including home and  
10 community-based services, treatment and support, based on a  
11 coordinated, individualized treatment plan. The individualized  
12 treatment plan shall be approved by the court and developed by  
13 the applicable state agencies responsible for providing or paying  
14 for any and all appropriate and necessary services, subject to  
15 appropriation, and shall include which agencies are going to pay  
16 for and provide such services. Such plan must be submitted to  
17 the court within thirty days and the child's family shall  
18 actively participate in designing the service plan for the child  
19 or person seventeen years of age;

20 (6) The department of social services, in conjunction with  
21 the department of mental health, shall apply to the United States  
22 Department of Health and Human Services for such federal waivers  
23 as required to provide services for such children, including the  
24 acquisition of community-based services waivers.

25 2. When a child is found by the court to come within the  
26 provisions of subdivision (2) of subsection 1 of section 211.031,  
27 the court shall so decree and upon making a finding of fact upon  
28 which it exercises its jurisdiction over the child, the court

1 may, by order duly entered, proceed as follows:

2 (1) Place the child under supervision in his own home or in  
3 custody of a relative or other suitable person after the court or  
4 a public agency or institution designated by the court conducts  
5 an investigation of the home, relative or person and finds such  
6 home, relative or person to be suitable and upon such conditions  
7 as the court may require;

8 (2) Commit the child to the custody of:

9 (a) A public agency or institution authorized by law to  
10 care for children or place them in family homes; except that, a  
11 child may be committed to the department of social services,  
12 division of youth services, only if he is presently under the  
13 court's supervision after an adjudication under the provisions of  
14 subdivision (2) or (3) of subsection 1 of section 211.031;

15 (b) Any other institution or agency which is authorized or  
16 licensed by law to care for children or to place them in family  
17 homes;

18 (c) An association, school or institution willing to  
19 receive it in another state if the approval of the agency in that  
20 state which administers the laws relating to importation of  
21 children into the state has been secured; or

22 (d) The juvenile officer;

23 (3) Place the child in a family home;

24 (4) Cause the child to be examined and treated by a  
25 physician, psychiatrist or psychologist and when the health or  
26 condition of the child requires it, cause the child to be placed  
27 in a public or private hospital, clinic or institution for  
28 treatment and care; except that, nothing contained herein

1 authorizes any form of compulsory medical, surgical, or  
2 psychiatric treatment of a child whose parents or guardian in  
3 good faith are providing other remedial treatment recognized or  
4 permitted under the laws of this state;

5 (5) Assess an amount of up to ten dollars to be paid by the  
6 child to the clerk of the court. Execution of any order entered  
7 by the court pursuant to this subsection, including a commitment  
8 to any state agency, may be suspended and the child placed on  
9 probation subject to such conditions as the court deems  
10 reasonable. After a hearing, probation may be revoked and the  
11 suspended order executed.

12 3. When a child is found by the court to come within the  
13 provisions of subdivision (3) of subsection 1 of section 211.031,  
14 the court shall so decree and make a finding of fact upon which  
15 it exercises its jurisdiction over the child, and the court may,  
16 by order duly entered, proceed as follows:

17 (1) Place the child under supervision in his or her own  
18 home or in custody of a relative or other suitable person after  
19 the court or a public agency or institution designated by the  
20 court conducts an investigation of the home, relative or person  
21 and finds such home, relative or person to be suitable and upon  
22 such conditions as the court may require;

23 (2) Commit the child to the custody of:

24 (a) A public agency or institution authorized by law to  
25 care for children or to place them in family homes;

26 (b) Any other institution or agency which is authorized or  
27 licensed by law to care for children or to place them in family  
28 homes;

1           (c) An association, school or institution willing to  
2 receive it in another state if the approval of the agency in that  
3 state which administers the laws relating to importation of  
4 children into the state has been secured; or

5           (d) The juvenile officer;

6           (3) Beginning January 1, 1996, the court may make further  
7 directions as to placement with the division of youth services  
8 concerning the child's length of stay. The length of stay order  
9 may set forth a minimum review date;

10          (4) Place the child in a family home;

11          (5) Cause the child to be examined and treated by a  
12 physician, psychiatrist or psychologist and when the health or  
13 condition of the child requires it, cause the child to be placed  
14 in a public or private hospital, clinic or institution for  
15 treatment and care; except that, nothing contained herein  
16 authorizes any form of compulsory medical, surgical, or  
17 psychiatric treatment of a child whose parents or guardian in  
18 good faith are providing other remedial treatment recognized or  
19 permitted under the laws of this state;

20          (6) Suspend or revoke a state or local license or authority  
21 of a child to operate a motor vehicle;

22          (7) Order the child to make restitution or reparation for  
23 the damage or loss caused by his offense. In determining the  
24 amount or extent of the damage, the court may order the juvenile  
25 officer to prepare a report and may receive other evidence  
26 necessary for such determination. The child and his attorney  
27 shall have access to any reports which may be prepared, and shall  
28 have the right to present evidence at any hearing held to

1     ascertain the amount of damages. Any restitution or reparation  
2     ordered shall be reasonable in view of the child's ability to  
3     make payment or to perform the reparation. The court may require  
4     the clerk of the circuit court to act as receiving and disbursing  
5     agent for any payment ordered;

6             (8) Order the child to a term of community service under  
7     the supervision of the court or of an organization selected by  
8     the court. Every person, organization, and agency, and each  
9     employee thereof, charged with the supervision of a child under  
10    this subdivision, or who benefits from any services performed as  
11    a result of an order issued under this subdivision, shall be  
12    immune from any suit by the child ordered to perform services  
13    under this subdivision, or any person deriving a cause of action  
14    from such child, if such cause of action arises from the  
15    supervision of the child's performance of services under this  
16    subdivision and if such cause of action does not arise from an  
17    intentional tort. A child ordered to perform services under this  
18    subdivision shall not be deemed an employee within the meaning of  
19    the provisions of chapter 287, RSMo, nor shall the services of  
20    such child be deemed employment within the meaning of the  
21    provisions of chapter 288, RSMo. Execution of any order entered  
22    by the court, including a commitment to any state agency, may be  
23    suspended and the child placed on probation subject to such  
24    conditions as the court deems reasonable. After a hearing,  
25    probation may be revoked and the suspended order executed;

26             (9) When a child has been adjudicated to have violated a  
27    municipal ordinance or to have committed an act that would be a  
28    misdemeanor if committed by an adult, assess an amount of up to

1 twenty-five dollars to be paid by the child to the clerk of the  
2 court; when a child has been adjudicated to have committed an act  
3 that would be a felony if committed by an adult, assess an amount  
4 of up to fifty dollars to be paid by the child to the clerk of  
5 the court.

6 4. Beginning January 1, 1996, the court may set forth in  
7 the order of commitment the minimum period during which the child  
8 shall remain in the custody of the division of youth services.  
9 No court order shall require a child to remain in the custody of  
10 the division of youth services for a period which exceeds the  
11 child's eighteenth birth date except upon petition filed by the  
12 division of youth services pursuant to subsection 1 of section  
13 219.021, RSMo. In any order of commitment of a child to the  
14 custody of the division of youth services, the division shall  
15 determine the appropriate program or placement pursuant to  
16 subsection 3 of section 219.021, RSMo. Beginning January 1,  
17 1996, the department shall not discharge a child from the custody  
18 of the division of youth services before the child completes the  
19 length of stay determined by the court in the commitment order  
20 unless the committing court orders otherwise. The director of  
21 the division of youth services may at any time petition the court  
22 for a review of a child's length of stay commitment order, and  
23 the court may, upon a showing of good cause, order the early  
24 discharge of the child from the custody of the division of youth  
25 services. The division may discharge the child from the division  
26 of youth services without a further court order after the child  
27 completes the length of stay determined by the court or may  
28 retain the child for any period after the completion of the

length of stay in accordance with the law.

5. When an assessment has been imposed under the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185.

211.319. 1. On or before July 1, 2005, all juvenile court proceedings conducted pursuant to subdivision (1) of subsection 1 of section 211.031 and for termination of parental rights cases pursuant to sections 211.442 to 211.487 initiated by a juvenile officer or the division shall be open to the public. The court, on its own motion, may exclude for good cause shown any person or persons from the proceedings to protect the welfare and best interests of the child and for exceptional circumstances. Any party to a juvenile court proceeding referred to in this subsection, except the state, may file a motion requesting that the general public be excluded from the proceeding or any portion of the proceeding. Upon the filing of such motion, the court shall hear arguments by the parties, but no evidence, and shall make a determination whether closure is in the best interest of the parties or whether it is in the public interest to deny such motion. The court shall make a finding on the record when a motion to close a hearing pursuant to this section is made and heard by the court.

2. Notwithstanding the provisions of subsection 1 of this section, the general public shall be excluded from all juvenile court proceedings referred to in subsection 1 of this section

1 during the testimony of any child or victim and only such persons  
2 who have a direct interest in the case or in the work of the  
3 court will be admitted to the proceedings.

4 3. For juvenile court proceedings described in subsection 1  
5 of this section, pleadings and orders of the juvenile court other  
6 than confidential files and those specifically ordered closed by  
7 the juvenile court judge shall be open to the general public.

8 For purposes of this section, "confidential file" means all other  
9 records and reports considered closed or confidential by law,  
10 including but not limited to medical reports, psychological or  
11 psychiatric evaluations, investigation reports of the children's  
12 division, social histories, home studies, and police reports and  
13 law enforcement records. Only persons who are found by the court  
14 to have a legitimate interest shall be allowed access to  
15 confidential or closed files. In determining whether a person  
16 has a legitimate interest, the court shall consider the nature of  
17 the proceedings, the welfare and safety of the public, and the  
18 interest of any child involved.

19 4. For records made available to the public pursuant to  
20 this section:

21 (1) The identity of any child involved except the  
22 perpetrator shall not be disclosed and all references in such  
23 records to the identity of any child involved except the  
24 perpetrator shall be redacted prior to disclosure to the public;  
25 and

26 (2) All information that may identify or lead to the  
27 disclosure of the identity of a reporter of child abuse under  
28 sections 210.109 to 210.183, RSMo, and section 352.400, RSMo,

1 shall not be disclosed to the public.

2 5. The provisions of this section shall apply to juvenile  
3 court proceedings and records specified in this section in which  
4 the initial pleadings are filed on or after July 1, 2005.

5 211.321. 1. Records of juvenile court proceedings as well  
6 as all information obtained and social records prepared in the  
7 discharge of official duty for the court shall not be open to  
8 inspection or their contents disclosed, except by order of the  
9 court to persons having a legitimate interest therein, unless a  
10 petition or motion to modify is sustained which charges the child  
11 with an offense which, if committed by an adult, would be a class  
12 A felony under the criminal code of Missouri, or capital murder,  
13 first degree murder, or second degree murder or except as  
14 provided in subsection 2 of this section. In addition, whenever  
15 a report is required under section 557.026, RSMo, there shall  
16 also be included a complete list of certain violations of the  
17 juvenile code for which the defendant had been adjudicated a  
18 delinquent while a juvenile. This list shall be made available  
19 to the probation officer and shall be included in the presentence  
20 report. The violations to be included in the report are limited  
21 to the following: rape, sodomy, murder, kidnapping, robbery,  
22 arson, burglary or any acts involving the rendering or threat of  
23 serious bodily harm. The supreme court may promulgate rules to  
24 be followed by the juvenile courts in separating the records.

25 2. In all proceedings under [subdivisions (1) and]  
26 subdivision (2) of subsection 1 of section 211.031, the records  
27 of the juvenile court as well as all information obtained and  
28 social records prepared in the discharge of official duty for the

1 court shall be kept confidential and shall be open to inspection  
2 only by order of the judge of the juvenile court or as otherwise  
3 provided by statute. In all proceedings under subdivision (3) of  
4 subsection 1 of section 211.031 the records of the juvenile court  
5 as well as all information obtained and social records prepared  
6 in the discharge of official duty for the court shall be kept  
7 confidential and may be open to inspection without court order  
8 only as follows:

9 (1) The juvenile officer is authorized at any time:

10 (a) To provide information to or discuss matters concerning  
11 the child, the violation of law or the case with the victim,  
12 witnesses, officials at the child's school, law enforcement  
13 officials, prosecuting attorneys, any person or agency having or  
14 proposed to have legal or actual care, custody or control of the  
15 child, or any person or agency providing or proposed to provide  
16 treatment of the child. Information received pursuant to this  
17 paragraph shall not be released to the general public, but shall  
18 be released only to the persons or agencies listed in this  
19 paragraph;

20 (b) To make public information concerning the offense, the  
21 substance of the petition, the status of proceedings in the  
22 juvenile court and any other information which does not  
23 specifically identify the child or the child's family;

24 (2) After a child has been adjudicated delinquent pursuant  
25 to subdivision (3) of subsection 1 of section 211.031, for an  
26 offense which would be a felony if committed by an adult, the  
27 records of the dispositional hearing and proceedings related  
28 thereto shall be open to the public to the same extent that

1 records of criminal proceedings are open to the public. However,  
2 the social summaries, investigations or updates in the nature of  
3 presentence investigations, and status reports submitted to the  
4 court by any treating agency or individual after the  
5 dispositional order is entered shall be kept confidential and  
6 shall be opened to inspection only by order of the judge of the  
7 juvenile court;

8 (3) As otherwise provided by statute;

9 (4) In all other instances, only by order of the judge of  
10 the juvenile court.

11 3. Peace officers' records, if any are kept, of children  
12 shall be kept separate from the records of persons seventeen  
13 years of age or over and shall not be open to inspection or their  
14 contents disclosed, except by order of the court. This  
15 subsection does not apply to children who are transferred to  
16 courts of general jurisdiction as provided by section 211.071 or  
17 to juveniles convicted under the provisions of sections 578.421  
18 to 578.437, RSMo. This subsection does not apply to the  
19 inspection or disclosure of the contents of the records of peace  
20 officers for the purpose of pursuing a civil forfeiture action  
21 pursuant to the provisions of section 195.140, RSMo.

22 4. Nothing in this section shall be construed to prevent  
23 the release of information and data to persons or organizations  
24 authorized by law to compile statistics relating to juveniles.  
25 The court shall adopt procedures to protect the confidentiality  
26 of children's names and identities.

27 5. The court may, either on its own motion or upon  
28 application by the child or his representative, or upon

1 application by the juvenile officer, enter an order to destroy  
2 all social histories, records, and information, other than the  
3 official court file, and may enter an order to seal the official  
4 court file, as well as all peace officers' records, at any time  
5 after the child has reached his seventeenth birthday if the court  
6 finds that it is in the best interest of the child that such  
7 action or any part thereof be taken, unless the jurisdiction of  
8 the court is continued beyond the child's seventeenth birthday,  
9 in which event such action or any part thereof may be taken by  
10 the court at any time after the closing of the child's case.

11 6. Nothing in this section shall be construed to prevent  
12 the release of general information regarding the informal  
13 adjustment or formal adjudication of the disposition of a child's  
14 case to a victim or a member of the immediate family of a victim  
15 of any offense committed by the child. Such general information  
16 shall not be specific as to location and duration of treatment or  
17 detention or as to any terms of supervision.

18 7. Records of juvenile court proceedings as well as all  
19 information obtained and social records prepared in the discharge  
20 of official duty for the court shall be disclosed to the child  
21 fatality review panel reviewing the child's death pursuant to  
22 section 210.192, RSMo, unless the juvenile court on its own  
23 motion, or upon application by the juvenile officer, enters an  
24 order to seal the records of the victim child.

25 302.272. 1. No person shall operate any school bus owned  
26 by or under contract with a public school or the state board of  
27 education unless such driver has qualified for a school bus  
28 permit under this section and complied with the pertinent rules

1 and regulations of the department of revenue. A school bus  
2 permit shall be issued to any applicant who meets the following  
3 qualifications:

4 (1) The applicant has a valid state license issued under  
5 this chapter or has a license valid in any other state;

6 (2) The applicant is at least twenty-one years of age;

7 (3) The applicant has passed a medical examination,  
8 including vision and hearing tests, as prescribed by the director  
9 of revenue and, if the applicant is at least seventy years of  
10 age, the applicant shall pass the medical examination annually to  
11 maintain or renew the permit; and

12 (4) The applicant has successfully passed an examination  
13 for the operation of a school bus as prescribed by the director  
14 of revenue. The examination shall include, but need not be  
15 limited to, a written skills examination of applicable laws,  
16 rules and procedures, and a driving test in the type of vehicle  
17 to be operated. The test shall be completed in the appropriate  
18 class of vehicle to be driven. For purposes of this section  
19 classes of school buses shall comply with the Commercial Motor  
20 Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570).

21 2. Except as otherwise provided in this section, a school  
22 bus permit shall be renewed every three years and shall require  
23 the applicant to provide a medical examination as specified in  
24 subdivision (3) of subsection 1 of this section and to  
25 successfully pass a written skills examination as prescribed by  
26 the director of revenue in consultation with the department of  
27 elementary and secondary education. If the applicant is at least  
28 seventy years of age, the school bus permit shall be renewed

1 annually, and the applicant shall successfully pass the  
2 examination prescribed in subdivision (4) of subsection 1 of this  
3 section prior to receiving the renewed permit. The director may  
4 waive the written skills examination on renewal of a school bus  
5 permit upon verification of the applicant's successful completion  
6 within the preceding twelve months of a training program which  
7 has been approved by the director in consultation with the  
8 department of elementary and secondary education and which is at  
9 least eight hours in duration with special instruction in school  
10 bus driving.

11 3. The fee for a new or renewed school bus permit shall be  
12 three dollars.

13 4. Upon the applicant's completion of the requirements of  
14 subsections 1, 2, and 3 of this section, the director of revenue  
15 shall issue a temporary school bus permit to the applicant until  
16 such time as a permanent school bus permit shall be issued  
17 following the record clearance as provided in subsection 6 of  
18 this section.

19 5. The director of revenue, to the best of the director's  
20 knowledge, shall not issue or renew a school bus permit to any  
21 applicant:

22 (1) Whose driving record shows that such applicant's  
23 privilege to operate a motor vehicle has been suspended, revoked  
24 or disqualified or whose driving record shows a history of moving  
25 vehicle violations;

26 (2) Who has pled guilty to or been found guilty of any  
27 felony or misdemeanor for violation of drug regulations as  
28 defined in chapter 195, RSMo; of any felony for an offense

1 against the person as defined by chapter 565, RSMo, or any other  
2 offense against the person involving child abuse or the  
3 endangerment of a child as prescribed by law; of any misdemeanor  
4 or felony for a sexual offense as defined by chapter 566, RSMo;  
5 of any misdemeanor or felony for prostitution as defined by  
6 chapter 567, RSMo; of any misdemeanor or felony for an offense  
7 against the family as defined in chapter 568, RSMo; of any felony  
8 or misdemeanor for a weapons offense as defined by chapter 571,  
9 RSMo; of any misdemeanor or felony for pornography or related  
10 offense as defined by chapter 573, RSMo; or of any similar crime  
11 in any federal, state, municipal or other court of similar  
12 jurisdiction of which the director has knowledge;

13 (3) Who has pled guilty to or been found guilty of any  
14 felony involving robbery, arson, burglary or a related offense as  
15 defined by chapter 569, RSMo; or any similar crime in any  
16 federal, state, municipal or other court of similar jurisdiction  
17 within the preceding ten years of which the director has  
18 knowledge;

19 (4) Who is listed on the child abuse and neglect registry.

20 6. The [department of social services or the] Missouri  
21 highway patrol[, whichever has access to applicable records,]  
22 shall provide a record of clearance or denial of clearance for  
23 any applicant for a school bus permit for the [convictions]  
24 offenses specified in subdivisions (2) and (3) of subsection 5 of  
25 this section. The Missouri highway patrol in providing the  
26 record of clearance or denial of clearance for any such applicant  
27 is authorized to obtain from the Federal Bureau of Investigation  
28 any information which might aid the Missouri highway patrol in

1 providing such record of clearance or denial of clearance. The  
2 [department of social services or the] Missouri highway patrol  
3 shall provide the record of clearance or denial of clearance  
4 within thirty days of the date requested, relying on information  
5 available at that time, except that the [department of social  
6 services or the] Missouri highway patrol shall provide any  
7 information subsequently discovered to the department of revenue.

8 7. Beginning January 1, 2005, the director shall request  
9 that the department of social services determine whether the  
10 applicant is listed on the child abuse and neglect registry and  
11 shall require the applicant to submit two sets of fingerprints.  
12 One set of fingerprints shall be used by the highway patrol in  
13 order to search the criminal history repository and the second  
14 set shall be forwarded to the Federal Bureau of Investigation for  
15 searching the federal criminal history files.

16 8. The applicant shall pay the fee for the state criminal  
17 history information pursuant to section 43.530, RSMo, and pay the  
18 appropriate fee determined by the Federal Bureau of Investigation  
19 for the federal criminal history record when he or she applies  
20 for the school bus permit pursuant to this section. The director  
21 shall distribute the fees collected for the state and federal  
22 criminal histories to the highway patrol.

23 9. If, as a result of the criminal history background check  
24 and the check of the child abuse and neglect registry required by  
25 this section, it is determined that an applicant has pled guilty  
26 or nolo contendere to, or been found guilty of an offense listed  
27 in subdivisions (2) and (3) of subsection 5 of this section, or a  
28 similar offense if committed in any other state, the United

1 States, or any other country, regardless of imposition of  
2 sentence, or the applicant's name appears on the child abuse and  
3 neglect registry the director of revenue shall not issue or renew  
4 a school bus permit to such applicant.

5 10. The director may adopt any rules and regulations  
6 necessary to carry out the provisions of this section. Any rule  
7 or portion of a rule, as that term is defined in section 536.010,  
8 RSMo, that is created under the authority delegated in this  
9 section shall become effective only if it complies with and is  
10 subject to all of the provisions of chapter 536, RSMo, and, if  
11 applicable, section 536.028, RSMo. This section and chapter 536,  
12 RSMo, are nonseverable and if any of the powers vested with the  
13 general assembly pursuant to chapter 536, RSMo, to review, to  
14 delay the effective date, or to disapprove and annul a rule are  
15 subsequently held unconstitutional, then the grant of rulemaking  
16 authority and any rule proposed or adopted after the effective  
17 date of this section, shall be invalid and void.

18 431.056. 1. A minor shall be qualified and competent to  
19 contract for housing, employment, purchase of an automobile,  
20 receipt of a student loan, admission to high school or  
21 postsecondary school, obtaining medical care, establishing a bank  
22 account and admission to a shelter for victims of domestic  
23 violence, as defined in section 455.200, RSMo, or a homeless  
24 shelter if:

25 (1) The minor is sixteen or seventeen years of age; and

26 (2) The minor is homeless, as defined in [subdivisions (1),  
27 (2) and (3) of] subsection 1 of section 167.020, RSMo, or a  
28 victim of domestic violence, as defined in section 455.200, RSMo,

1 unless the child is under the supervision of the children's  
2 division [of family services] or the jurisdiction of the juvenile  
3 court; and

4 (3) The minor is self-supporting, such that the minor is  
5 without the physical or financial support of a parent or legal  
6 guardian; and

7 (4) The minor's [parents have] parent or legal guardian has  
8 consented to the minor living independent of the parents' or  
9 guardians' control. Consent may be expressed or implied, such  
10 that:

11 (1) Expressed consent is any verbal or written statement  
12 made by the parents or guardian of the minor displaying approval  
13 or agreement that the minor may live independently of the  
14 parent's or guardian's control;

15 (2) Implied consent is any action made by the parent or  
16 guardian of the minor that indicates the parent or guardian is  
17 unwilling or unable to adequately care for the minor. Such  
18 actions may include, but are not limited to:

19 (a) Barring the minor from the home or otherwise indicating  
20 that the minor is not welcome to stay;

21 (b) Refusing to provide any or all financial support for  
22 the minor; or

23 (c) Abusing or neglecting the minor, as defined in section  
24 210.110, RSMo.

25 452.375. 1. As used in this chapter, unless the context  
26 clearly indicates otherwise:

27 (1) "Custody", means joint legal custody, sole legal  
28 custody, joint physical custody or sole physical custody or any

1 combination thereof;

2 (2) "Joint legal custody" means that the parents share the  
3 decision-making rights, responsibilities, and authority relating  
4 to the health, education and welfare of the child, and, unless  
5 allocated, apportioned, or decreed, the parents shall confer with  
6 one another in the exercise of decision-making rights,  
7 responsibilities, and authority;

8 (3) "Joint physical custody" means an order awarding each  
9 of the parents significant, but not necessarily equal, periods of  
10 time during which a child resides with or is under the care and  
11 supervision of each of the parents. Joint physical custody shall  
12 be shared by the parents in such a way as to assure the child of  
13 frequent, continuing and meaningful contact with both parents;

14 (4) "Third-party custody" means a third party designated as  
15 a legal and physical custodian pursuant to subdivision (5) of  
16 subsection 5 of this section.

17 2. The court shall determine custody in accordance with the  
18 best interests of the child. The court shall consider all  
19 relevant factors including:

20 (1) The wishes of the child's parents as to custody and the  
21 proposed parenting plan submitted by both parties;

22 (2) The needs of the child for a frequent, continuing and  
23 meaningful relationship with both parents and the ability and  
24 willingness of parents to actively perform their functions as  
25 mother and father for the needs of the child;

26 (3) The interaction and interrelationship of the child with  
27 parents, siblings, and any other person who may significantly  
28 affect the child's best interests;

1           (4) Which parent is more likely to allow the child  
2 frequent, continuing and meaningful contact with the other  
3 parent;

4           (5) The child's adjustment to the child's home, school, and  
5 community;

6           (6) The mental and physical health of all individuals  
7 involved, including any history of abuse of any individuals  
8 involved. If the court finds that a pattern of domestic violence  
9 has occurred, and, if the court also finds that awarding custody  
10 to the abusive parent is in the best interest of the child, then  
11 the court shall enter written findings of fact and conclusions of  
12 law. Custody and visitation rights shall be ordered in a manner  
13 that best protects the child and any other child or children for  
14 whom the parent has custodial or visitation rights, and the  
15 parent or other family or household member who is the victim of  
16 domestic violence from any further harm;

17           (7) The intention of either parent to relocate the  
18 principal residence of the child; and

19           (8) The wishes of a child as to the child's custodian.  
20

21 The fact that a parent sends his or her child or children to a  
22 home school, as defined in section 167.031, RSMo, shall not be  
23 the sole factor that a court considers in determining custody of  
24 such child or children.

25           3. In any court proceedings relating to custody of a child,  
26 the court shall not award custody or unsupervised visitation of a  
27 child to a parent if such parent or any person residing with such  
28 parent has been found guilty of, or pled guilty to, a felony

1 violation of chapter 566, RSMo, except for section 566.034, RSMo,  
2 when [the] a child was the victim, or a violation of [chapter  
3 568, RSMo, except for section 568.040] section 568.020, 568.045,  
4 568.060, 568.065, 568.070, 568.080, 568.090, or 568.175, RSMo,  
5 except for subdivision (1) of subsection 1 of section 568.060,  
6 RSMo, when [the] a child was the victim, or an offense committed  
7 in another state when a child is the victim, that would be a  
8 felony violation of chapter 566, RSMo, except for section  
9 566.034, RSMo, or section 568.020, 568.045, 568.060, 568.065,  
10 568.070, 568.080, 568.090, or 568.175, RSMo, except for  
11 subdivision (1) of subsection 1 of section 568.060, RSMo, if  
12 committed in Missouri; provided however, nothing in this  
13 subsection shall preclude the court from exercising its  
14 discretion regarding the awarding of custody or visitation for  
15 child if the parent or any person residing in the home has been  
16 found guilty of, or pled guilty or nolo contendere to any offense  
17 excepted or excluded in this subsection.

18 4. The general assembly finds and declares that it is the  
19 public policy of this state that frequent, continuing and  
20 meaningful contact with both parents after the parents have  
21 separated or dissolved their marriage is in the best interest of  
22 the child, except for cases where the court specifically finds  
23 that such contact is not in the best interest of the child, and  
24 that it is the public policy of this state to encourage parents  
25 to participate in decisions affecting the health, education and  
26 welfare of their children, and to resolve disputes involving  
27 their children amicably through alternative dispute resolution.  
28 In order to effectuate these policies, the court shall determine

1 the custody arrangement which will best assure both parents  
2 participate in such decisions and have frequent, continuing and  
3 meaningful contact with their children so long as it is in the  
4 best interests of the child.

5 5. Prior to awarding the appropriate custody arrangement in  
6 the best interest of the child, the court shall consider each of  
7 the following as follows:

8 (1) Joint physical and joint legal custody to both parents,  
9 which shall not be denied solely for the reason that one parent  
10 opposes a joint physical and joint legal custody award. The  
11 residence of one of the parents shall be designated as the  
12 address of the child for mailing and educational purposes;

13 (2) Joint physical custody with one party granted sole  
14 legal custody. The residence of one of the parents shall be  
15 designated as the address of the child for mailing and  
16 educational purposes;

17 (3) Joint legal custody with one party granted sole  
18 physical custody;

19 (4) Sole custody to either parent; or

20 (5) Third-party custody or visitation:

21 (a) When the court finds that each parent is unfit,  
22 unsuitable, or unable to be a custodian, or the welfare of the  
23 child requires, and it is in the best interests of the child,  
24 then custody, temporary custody or visitation may be awarded to  
25 any other person or persons deemed by the court to be suitable  
26 and able to provide an adequate and stable environment for the  
27 child. Before the court awards custody, temporary custody or  
28 visitation to a third person under this subdivision, the court

1 shall make that person a party to the action;

2 (b) Under the provisions of this subsection, any person may  
3 petition the court to intervene as a party in interest at any  
4 time as provided by supreme court rule.

5 6. If the parties have not agreed to a custodial  
6 arrangement, or the court determines such arrangement is not in  
7 the best interest of the child, the court shall include a written  
8 finding in the judgment or order based on the public policy in  
9 subsection 4 of this section and each of the factors listed in  
10 subdivisions (1) to (8) of subsection 2 of this section detailing  
11 the specific relevant factors that made a particular arrangement  
12 in the best interest of the child. If a proposed custodial  
13 arrangement is rejected by the court, the court shall include a  
14 written finding in the judgment or order detailing the specific  
15 relevant factors resulting in the rejection of such arrangement.

16 7. Upon a finding by the court that either parent has  
17 refused to exchange information with the other parent, which  
18 shall include but not be limited to information concerning the  
19 health, education and welfare of the child, the court shall order  
20 the parent to comply immediately and to pay the prevailing party  
21 a sum equal to the prevailing party's cost associated with  
22 obtaining the requested information, which shall include but not  
23 be limited to reasonable attorney's fees and court costs.

24 8. As between the parents of a child, no preference may be  
25 given to either parent in the awarding of custody because of that  
26 parent's age, sex, or financial status, nor because of the age or  
27 sex of the child.

28 9. Any judgment providing for custody shall include a

1 specific written parenting plan setting forth the terms of such  
2 parenting plan arrangements specified in subsection 7 of section  
3 452.310. Such plan may be a parenting plan submitted by the  
4 parties pursuant to section 452.310 or, in the absence thereof, a  
5 plan determined by the court, but in all cases, the custody plan  
6 approved and ordered by the court shall be in the court's  
7 discretion and shall be in the best interest of the child.

8 10. Unless a parent has been denied custody rights pursuant  
9 to this section or visitation rights under section 452.400, both  
10 parents shall have access to records and information pertaining  
11 to a minor child, including, but not limited to, medical, dental,  
12 and school records. If the parent without custody has been  
13 granted restricted or supervised visitation because the court has  
14 found that the parent with custody or [the] any child has been  
15 the victim of domestic violence, as defined in section 455.200,  
16 RSMo, by the parent without custody, the court may order that the  
17 reports and records made available pursuant to this subsection  
18 not include the address of the parent with custody or the child.  
19 Unless a parent has been denied custody rights pursuant to this  
20 section or visitation rights under section 452.400, any judgment  
21 of dissolution or other applicable court order shall specifically  
22 allow both parents access to such records and reports.

23 11. Except as otherwise precluded by state or federal law,  
24 if any individual, professional, public or private institution or  
25 organization denies access or fails to provide or disclose any  
26 and all records and information, including, but not limited to,  
27 past and present dental, medical and school records pertaining to  
28 a minor child, to either parent upon the written request of such

1 parent, the court shall, upon its finding that the individual,  
2 professional, public or private institution or organization  
3 denied such request without good cause, order that party to  
4 comply immediately with such request and to pay to the prevailing  
5 party all costs incurred, including, but not limited to,  
6 attorney's fees and court costs associated with obtaining the  
7 requested information.

8 12. An award of joint custody does not preclude an award of  
9 child support pursuant to section 452.340 and applicable supreme  
10 court rules. The court shall consider the factors contained in  
11 section 452.340 and applicable supreme court rules in determining  
12 an amount reasonable or necessary for the support of the child.

13 13. If the court finds that domestic violence or abuse, as  
14 defined in sections 455.010 and 455.501, RSMo, has occurred, the  
15 court shall make specific findings of fact to show that the  
16 custody or visitation arrangement ordered by the court best  
17 protects the child and the parent or other family or household  
18 member who is the victim of domestic violence or abuse, as  
19 defined in sections 455.010 and 455.501, RSMo, and any other  
20 children for whom such parent has custodial or visitation rights  
21 from any further harm.

22 452.400. 1. A parent not granted custody of the child is  
23 entitled to reasonable visitation rights unless the court finds,  
24 after a hearing, that visitation would endanger the child's  
25 physical health or impair his or her emotional development. The  
26 court shall enter an order specifically detailing the visitation  
27 rights of the parent without physical custody rights to the child  
28 and any other children for whom such parent has custodial or

1 visitation rights. In determining the granting of visitation  
2 rights, the court shall consider evidence of domestic violence.  
3 If the court finds that domestic violence has occurred, the court  
4 may find that granting visitation to the abusive party is in the  
5 best interests of the child. The court shall not grant  
6 visitation to the parent not granted custody if such parent or  
7 any person residing with such parent has been found guilty of or  
8 pled guilty to a felony violation of chapter 566, RSMo, except  
9 for section 566.034, RSMo, when [the] a child was the victim, or  
10 a violation of [chapter 568, RSMo, except for section 568.040]  
11 section 568.020, 568.045, 568.060, 568.065, 568.070, 568.080,  
12 568.090, or 568.175, RSMo, except for subdivision (1) of  
13 subsection 1 of section 568.060, RSMo, when [the] a child was the  
14 victim, or an offense committed in another state[, ] when [the] a  
15 child is the victim, that would be a felony violation of chapter  
16 566, RSMo, except for section 566.034, RSMo, or chapter [568,  
17 RSMo, except for section 568.040] section 568.020, 568.045,  
18 568.060, 568.065, 568.070, 568.080, 568.090, or 568.175, RSMo,  
19 except for subdivision (1) of subsection 1 of section 568.060,  
20 RSMo, if committed in Missouri; provided however, nothing in this  
21 subsection shall preclude the court from exercising its  
22 discretion regarding the awarding of custody or visitation for  
23 child if the parent or any person residing in the home has been  
24 found guilty of, or pled guilty or nolo contendere to any offense  
25 excepted or excluded in this subsection. The court shall  
26 consider the parent's history of inflicting, or tendency to  
27 inflict, physical harm, bodily injury, assault, or the fear of  
28 physical harm, bodily injury, or assault on other persons and

1 shall grant visitation in a manner that best protects the child  
2 and the parent or other family or household member who is the  
3 victim of domestic violence, and any other children for whom the  
4 parent has custodial or visitation rights from any further harm.  
5 The court, if requested by a party, shall make specific findings  
6 of fact to show that the visitation arrangements made by the  
7 court best protect the child or the parent or other family or  
8 household member who is the victim of domestic violence, or any  
9 other child for whom the parent has custodial or visitation  
10 rights from any further harm.

11 2. The court may modify an order granting or denying  
12 visitation rights whenever modification would serve the best  
13 interests of the child, but the court shall not restrict a  
14 parent's visitation rights unless it finds that the visitation  
15 would endanger the child's physical health or impair his or her  
16 emotional development. In any proceeding modifying visitation  
17 rights, the court shall not grant unsupervised visitation to a  
18 parent if the parent or any person residing with such parent has  
19 been found guilty of or pled guilty to a felony violation of  
20 chapter 566, RSMo, except for section 566.034, RSMo, when a child  
21 was the victim, or a violation of sections 568.020, 568.045,  
22 568.060, 568.065, 568.070, 568.080, 568.090, and 568.175, RSMo,  
23 except for subdivision (1) of subsection 1 of section 568.060,  
24 RSMo, when a child was the victim, or an offense committed in  
25 another state when a child is the victim, that would be a felony  
26 violation of chapter 566, RSMo, except for section 566.034, RSMo,  
27 or a violation of sections 568.020, 568.045, 568.060, 568.065,  
28 568.070, 568.080, 568.090, and 568.175, RSMo, except for

1 subdivision (1) of subsection 1 of section 568.060, RSMo, if  
2 committed in Missouri; provided however, nothing in this  
3 subsection shall preclude the court from exercising its  
4 discretion regarding the placement of child in a home in which  
5 the parent or any person residing in the home has been found  
6 guilty of, or pled guilty or nolo contendere to any offense  
7 excepted or excluded in this subsection. When a court restricts  
8 a parent's visitation rights or when a court orders supervised  
9 visitation because of allegations of abuse or domestic violence,  
10 a showing of proof of treatment and rehabilitation shall be made  
11 to the court before unsupervised visitation may be ordered.  
12 "Supervised visitation", as used in this section, is visitation  
13 which takes place in the presence of a responsible adult  
14 appointed by the court for the protection of the child.

15 3. The court shall mandate compliance with its order by all  
16 parties to the action, including parents, children and third  
17 parties. In the event of noncompliance, the aggrieved person may  
18 file a verified motion for contempt. If custody, visitation or  
19 third-party custody is denied or interfered with by a parent or  
20 third party without good cause, the aggrieved person may file a  
21 family access motion with the court stating the specific facts  
22 which constitute a violation of the judgment of dissolution or  
23 legal separation. The state courts administrator shall develop a  
24 simple form for pro se motions to the aggrieved person, which  
25 shall be provided to the person by the circuit clerk. Clerks,  
26 under the supervision of a circuit clerk, shall explain to  
27 aggrieved parties the procedures for filing the form. Notice of  
28 the fact that clerks will provide such assistance shall be

1 conspicuously posted in the clerk's offices. The location of the  
2 office where the family access motion may be filed shall be  
3 conspicuously posted in the court building. The performance of  
4 duties described in this section shall not constitute the  
5 practice of law as defined in section 484.010, RSMo. Such form  
6 for pro se motions shall not require the assistance of legal  
7 counsel to prepare and file. The cost of filing the motion shall  
8 be the standard court costs otherwise due for instituting a civil  
9 action in the circuit court.

10 4. Within five court days after the filing of the family  
11 access motion pursuant to subsection 3 of this section, the clerk  
12 of the court shall issue a summons pursuant to applicable state  
13 law, and applicable local or supreme court rules. A copy of the  
14 motion shall be personally served upon the respondent by personal  
15 process server as provided by law or by any sheriff. Such  
16 service shall be served at the earliest time and shall take  
17 priority over service in other civil actions, except those of an  
18 emergency nature or those filed pursuant to chapter 455, RSMo.  
19 The motion shall contain the following statement in boldface  
20 type: "PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO  
21 RESPOND TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF  
22 SERVICE. FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT IN  
23 THE FOLLOWING:

24 (1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY,  
25 VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR THE  
26 AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;

27 (2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO EDUCATE  
28 THE VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE CHILD WITH A

1 CONTINUING AND MEANINGFUL RELATIONSHIP WITH BOTH PARENTS;

2 (3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS  
3 AGAINST THE VIOLATOR;

4 (4) REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO  
5 ENSURE FUTURE COMPLIANCE WITH THE COURT'S ORDERS;

6 (5) ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING TO  
7 REESTABLISH THE PARENT-CHILD RELATIONSHIP BETWEEN THE AGGRIEVED  
8 PARTY AND THE CHILD; AND

9 (6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE REASONABLE  
10 EXPENSES, INCLUDING ATTORNEY'S FEES AND COURT COSTS ACTUALLY  
11 INCURRED BY THE AGGRIEVED PARTY AS A RESULT OF THE DENIAL OF  
12 CUSTODY, VISITATION OR THIRD-PARTY CUSTODY.".

13 5. If an alternative dispute resolution program is  
14 available pursuant to section 452.372, the clerk shall also  
15 provide information to all parties on the availability of any  
16 such services, and within fourteen days of the date of service,  
17 the court may schedule alternative dispute resolution.

18 6. Upon a finding by the court pursuant to a motion for a  
19 family access order or a motion for contempt that its order for  
20 custody, visitation or third-party custody has not been complied  
21 with, without good cause, the court shall order a remedy, which  
22 may include, but not be limited to:

23 (1) A compensatory period of visitation, custody or  
24 third-party custody at a time convenient for the aggrieved party  
25 not less than the period of time denied;

26 (2) Participation by the violator in counseling to educate  
27 the violator about the importance of providing the child with a  
28 continuing and meaningful relationship with both parents;

1           (3) Assessment of a fine of up to five hundred dollars  
2 against the violator payable to the aggrieved party;

3           (4) Requiring the violator to post bond or security to  
4 ensure future compliance with the court's access orders; and

5           (5) Ordering the violator to pay the cost of counseling to  
6 reestablish the parent-child relationship between the aggrieved  
7 party and the child.

8           7. The reasonable expenses incurred as a result of denial  
9 or interference with custody or visitation, including attorney's  
10 fees and costs of a proceeding to enforce visitation rights,  
11 custody or third-party custody, shall be assessed, if requested  
12 and for good cause, against the parent or party who unreasonably  
13 denies or interferes with visitation, custody or third-party  
14 custody. In addition, the court may utilize any and all powers  
15 relating to contempt conferred on it by law or rule of the  
16 Missouri supreme court.

17           8. Final disposition of a motion for a family access order  
18 filed pursuant to this section shall take place not more than  
19 sixty days after the service of such motion, unless waived by the  
20 parties or determined to be in the best interest of the child.  
21 Final disposition shall not include appellate review.

22           9. Motions filed pursuant to this section shall not be  
23 deemed an independent civil action from the original action  
24 pursuant to which the judgment or order sought to be enforced was  
25 entered.

26           453.020. 1. The petition for adoption shall state:

27           (1) The name, sex and place of birth of the person sought  
28 to be adopted;

1 (2) The name of his parents, if known to the petitioner;

2 (3) If the person sought to be adopted is a minor, the fact  
3 that petitioner has the ability to properly care for, maintain  
4 and educate such person; and

5 (4) If it is desired to change the name of such person, the  
6 new name.

7 2. The petition for adoption shall include payment of a  
8 fifty dollar filing fee which shall be used to fund the putative  
9 father registry established pursuant to section 192.016, RSMo.

10 453.025. 1. The court shall, in all cases where the person  
11 sought to be adopted is under eighteen years of age, appoint a  
12 guardian ad litem, if not previously appointed pursuant to  
13 section 210.160, RSMo, to represent the person sought to be  
14 adopted.

15 2. When the parent is a minor or incompetent, the court  
16 shall appoint a guardian ad litem to represent such parent.

17 3. The guardian ad litem may be awarded a reasonable fee  
18 for such services to be set by the court. The court, in its  
19 discretion, may award such fees as a judgment to be paid by any  
20 party to the proceedings or from public funds. Such an award of  
21 guardian fees shall constitute a final judgment in favor of the  
22 guardian ad litem. Such final judgment shall be enforceable  
23 against the parties in accordance with chapter 513, RSMo.

24 4. The guardian ad litem shall:

25 (1) Be the legal advocate for the best interest of the  
26 party he is appointed to represent with the power and authority  
27 to cross-examine, subpoena witnesses, and offer testimony;

28 (2) Initiate an appeal of any disposition that he

determines to be adverse to the interests of the party he represents; and

(3) Ascertain the child's wishes, feelings and attitudes regarding the adoption by interviewing persons with knowledge of the child, and if appropriate, to meet with the child.

453.030. 1. In all cases the approval of the court of the adoption shall be required and such approval shall be given or withheld as the welfare of the person sought to be adopted may, in the opinion of the court, demand.

2. The written consent of the person to be adopted shall be required in all cases where the person sought to be adopted is fourteen years of age or older, except where the court finds that such child has not sufficient mental capacity to give the same.

3. With the exceptions specifically enumerated in section 453.040, when the person sought to be adopted is under the age of eighteen years, the written consent of the following persons shall be required and filed in and made a part of the files and record of the proceeding:

(1) The mother of the child; and

(2) ~~[Any]~~ Only the man who:

(a) Is presumed to be the father pursuant to the subdivision (1), (2), or (3) of subsection 1 of section 210.822, RSMo; or

(b) Has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child and has served a copy of the petition on the mother in accordance with section 506.100, RSMo; or

(c) Filed with the putative father registry pursuant to

1 section 192.016, RSMo, a notice of intent to claim paternity or  
2 an acknowledgment of paternity either prior to or within fifteen  
3 days after the child's birth, and has filed an action to  
4 establish his paternity in a court of competent jurisdiction no  
5 later than fifteen days after the birth of the child; or

6 (3) The child's current adoptive parents or other legally  
7 recognized mother and father.

8  
9 Upon request by the petitioner and within one business day of  
10 such request, the clerk of the local court shall verify whether  
11 such written consents have been filed with the court.

12 4. The written consent required in subdivisions (2) and (3)  
13 of subsection 3 of this section may be executed before or after  
14 the commencement of the adoption proceedings, and shall be  
15 acknowledged before a notary public. In lieu of such  
16 acknowledgment, the signature of the person giving such written  
17 consent shall be witnessed by the signatures of at least two  
18 adult persons whose signatures and addresses shall be plainly  
19 written thereon. The two adult witnesses shall not be the  
20 prospective adoptive parents or any attorney representing a party  
21 to the adoption proceeding. The notary public or witnesses shall  
22 verify the identity of the party signing the consent.

23 5. The written consent required in subdivision (1) of  
24 subsection 3 of this section by the birth parent shall not be  
25 executed anytime before the child is forty-eight hours old. Such  
26 written consent shall be executed in front of a judge or a notary  
27 public. In lieu of such acknowledgment, the signature of the  
28 person giving such written consent shall be witnessed by the

1 signatures of at least two adult persons who are present at the  
2 execution whose signatures and addresses shall be plainly written  
3 thereon and who determine and certify that the consent is  
4 knowingly and freely given. The two adult witnesses shall not be  
5 the prospective adoptive parents or any attorney representing a  
6 party to the adoption proceeding. The notary public or witnesses  
7 shall verify the identity of the party signing the consent.

8         6. The written consents shall be reviewed and, if found to  
9 be in compliance with this section, approved by the court within  
10 three business days of such consents being presented to the  
11 court. Upon review, in lieu of approving the consent within  
12 three business days, the court may set a date for a prompt  
13 evidentiary hearing upon notice to the parties. Failure to  
14 review and approve the written consent within three business days  
15 shall not void the consent, but a party may seek a writ of  
16 mandamus from the appropriate court, unless an evidentiary  
17 hearing has been set by the court pursuant to this subsection.

18         7. The written consent required in subsection 3 of this  
19 section may be withdrawn anytime until it has been reviewed and  
20 accepted by a judge.

21         8. A consent form shall be developed through rules and  
22 regulations promulgated by the department of social services. No  
23 rule or portion of a rule promulgated under the authority of this  
24 section shall become effective unless it has been promulgated  
25 pursuant to the provisions of chapter 536, RSMo. If a written  
26 consent is obtained after August 28, 1997, but prior to the  
27 development of a consent form by the department and the written  
28 consent complies with the provisions of subsection 9 of this

1 section, such written consent shall be deemed valid.

2 9. However, the consent form must specify that:

3 (1) The birth parent understands the importance of  
4 identifying all possible fathers of the child and ~~[shall]~~ may  
5 provide the names of all such persons [unless the mother has good  
6 cause as to why she should not name such persons. The court  
7 shall determine if good cause is justifiable. By signing the  
8 consent, the birth parent acknowledges that those having an  
9 interest in the child have been supplied with all available  
10 information to assist in locating all possible fathers]; and

11 (2) The birth parent understands that if he denies  
12 paternity, but consents to the adoption, he waives any future  
13 interest in the child.

14 10. The written consent to adoption required by subsection  
15 3 and executed through procedures set forth in subsection 5 of  
16 this section shall be valid and effective even though the parent  
17 consenting was under eighteen years of age, if such parent was  
18 represented by a guardian ad litem, at the time of the execution  
19 thereof.

20 11. Where the person sought to be adopted is eighteen years  
21 of age or older, his written consent alone to his adoption shall  
22 be sufficient.

23 12. A birth parent, including a birth parent less than  
24 eighteen years of age, shall have the right to legal  
25 representation and payment of any reasonable legal fees incurred  
26 throughout the adoption process. In addition, the court may  
27 appoint an attorney to represent a birth parent if:

28 (1) A birth parent requests representation;

1           (2) The court finds that hiring an attorney to represent  
2 such birth parent would cause a financial hardship for the birth  
3 parent; and

4           (3) The birth parent is not already represented by counsel.

5           13. Except in cases where the court determines that the  
6 adoptive parents are unable to pay reasonable attorney fees and  
7 appoints pro bono counsel for the birth parents, the court shall  
8 order the costs of the attorney fees incurred pursuant to  
9 subsection 12 of this section to be paid by the prospective  
10 adoptive parents or the child-placing agency.

11           453.060. 1. A writ of summons and a copy of the petition  
12 shall be served on:

13           (1) Any person, agency, organization or institution whose  
14 consent to the adoption is required by law unless such consent is  
15 filed in court;

16           (2) Any person whose consent to the adoption, according to  
17 the allegation of the petition for adoption, is not required for  
18 the reasons set forth in subdivision (6) or (7) of section  
19 453.040;

20           (3) Any person, agency, organization or institution, within  
21 or without the state, having custody of the child sought to be  
22 adopted under a decree of a court of competent jurisdiction even  
23 though its consent to the adoption is not required by law;

24           (4) The legally appointed guardian of the child;

25           (5) Any person adjudicated by a court of this state or  
26 another state, a territory of the United States or another  
27 country to be the father of the child;

28           (6) Any person who has timely filed a notice of intent to

1 claim paternity of the child pursuant to section 192.016, RSMo,  
2 or an acknowledgment of paternity pursuant to section 193.087,  
3 RSMo.

4 2. Except as provided in this section and section 453.014,  
5 it is not necessary to serve any person, agency, organization or  
6 institution whose consent is not required pursuant to the  
7 provisions of sections 453.030 to 453.050.

8 3. If service of summons cannot be made in the manner  
9 prescribed in section 506.150, RSMo, then the service shall be  
10 made by mail or publication as provided in section 506.160, RSMo.

11 4. Upon service, whether personal or constructive, the  
12 court may act upon the petition without the consent of any party,  
13 except that of a parent whose consent is required by sections  
14 453.030 to 453.050, and the judgment is binding on all parties so  
15 served. Any such party has the right to appeal from the judgment  
16 in the manner and form provided by the civil code of Missouri.

17 5. In all cases where the putative father is unknown,  
18 [service shall be made by publication on "John Doe" as provided  
19 in section 506.160, RSMo] a search of the Missouri putative  
20 father registry shall be conducted to determine if a man has  
21 filed or been registered with the registry. If such a man is  
22 discovered, service shall be carried out according to the  
23 provisions of this section.

24 6. Upon request, the court may order that the writ of  
25 summons and copy of the petition required by this section may be  
26 served without the names and addresses of the petitioners when  
27 the court deems it to be in the best interests of the child.

28 453.061. Any man who has engaged in sexual intercourse with

1 a woman is deemed to be on notice that a child may be conceived  
2 and as a result is entitled to notice of an adoption proceeding  
3 only as provided in this chapter.

4 453.110. 1. No person, agency, organization or institution  
5 shall surrender custody of a minor child, or transfer the custody  
6 of such a child to another, and no person, agency, organization  
7 or institution shall take possession or charge of a minor child  
8 so transferred, without first having filed a petition before the  
9 circuit court sitting as a juvenile court of the county where the  
10 child may be, praying that such surrender or transfer may be  
11 made, and having obtained such an order from such court approving  
12 or ordering transfer of custody.

13 2. If any such surrender or transfer is made without first  
14 obtaining such an order, such court shall, on petition of any  
15 public official or interested person, agency, organization or  
16 institution, order an investigation and report as described in  
17 section 453.070 to be completed by the division of family  
18 services and shall make such order as to the custody of such  
19 child in the best interest of such child.

20 3. Any person violating the terms of this section shall be  
21 guilty of a class D felony.

22 4. The investigation required by subsection 2 of this  
23 section shall be initiated by the division of family services  
24 within forty-eight hours of the filing of the court order  
25 requesting the investigation and report and shall be completed  
26 within thirty days. The court shall order the person having  
27 custody in violation of the provisions of this section to pay the  
28 costs of the investigation and report.

1           5. This section shall not be construed to prohibit any  
2 parent, agency, organization or institution from placing a child  
3 [in a family home] with another individual for care if the right  
4 to supervise the care of the child and to resume custody thereof  
5 is retained, or from placing a child with a licensed foster home  
6 within the state through a child placing agency licensed by this  
7 state as part of a preadoption placement.

8           6. After the filing of a petition for the transfer of  
9 custody for the purpose of adoption, the court may enter an order  
10 of transfer of custody if the court finds all of the following:

11           (1) A family assessment has been made as required in  
12 section 453.070 and has been reviewed by the court;

13           (2) A recommendation has been made by the guardian ad  
14 litem;

15           (3) A petition for transfer of custody for adoption has  
16 been properly filed or an order terminating parental rights has  
17 been properly filed;

18           (4) The financial affidavit has been filed as required  
19 under section 453.075;

20           (5) The written report regarding the child who is the  
21 subject of the petition containing the information has been  
22 submitted as required by section 453.026;

23           (6) Compliance with the Indian Child Welfare Act, if  
24 applicable; and

25           (7) Compliance with the Interstate Compact on the Placement  
26 of Children pursuant to section 210.620, RSMo.

27           7. A hearing on the transfer of custody for the purpose of  
28 adoption is not required if:

1           (1) The conditions set forth in subsection 6 of this  
2 section are met;

3           (2) The parties agree and the court grants leave; and

4           (3) Parental rights have been terminated pursuant to  
5 section 211.444 or 211.447, RSMo.

6           475.024. A parent of a minor, by a properly executed power  
7 of attorney, may delegate to another individual, for a period not  
8 exceeding one year, any of his or her powers regarding care or  
9 custody of the minor child, except his or her power to consent to  
10 marriage or adoption of the minor child.

11           487.100. In any family court case the judge or commissioner  
12 may, on the judge's or commissioner's own motion or, at the  
13 request of a party, order or recommend mediation, counseling or a  
14 home study. The costs of such mediation, counseling or home  
15 study may be assessed against any party at any time and may be  
16 taxed as court costs paid by the party against whom costs are  
17 taxed or may be paid from the family services and justice fund  
18 established pursuant to section 487.170. The amount assessed for  
19 such mediation, counseling, or home study shall be such amount as  
20 the court determines to be reasonable under the circumstances.  
21 The party's ability to pay shall be a consideration when such  
22 costs are assessed.

23           491.075. 1. A statement made by a child under the age of  
24 ~~[twelve]~~ fourteen relating to an offense under chapter 565, 566  
25 or 568, RSMo, performed with or on a child by another, not  
26 otherwise admissible by statute or court rule, is admissible in  
27 evidence in criminal proceedings in the courts of this state as  
28 substantive evidence to prove the truth of the matter asserted

1 if:

2 (1) The court finds, in a hearing conducted outside the  
3 presence of the jury that the time, content and circumstances of  
4 the statement provide sufficient indicia of reliability; and

5 (2) (a) The child testifies at the proceedings; or

6 (b) The child is unavailable as a witness; or

7 (c) The child is otherwise physically available as a  
8 witness but the court finds that the significant emotional or  
9 psychological trauma which would result from testifying in the  
10 personal presence of the defendant makes the child unavailable as  
11 a witness at the time of the criminal proceeding.

12 2. Notwithstanding subsection 1 of this section or any  
13 provision of law or rule of evidence requiring corroboration of  
14 statements, admissions or confessions of the defendant, and  
15 notwithstanding any prohibition of hearsay evidence, a statement  
16 by a child when under the age of [twelve] fourteen who is alleged  
17 to be victim of an offense under chapter 565, 566 or 568, RSMo,  
18 is sufficient corroboration of a statement, admission or  
19 confession regardless of whether or not the child is available to  
20 testify regarding the offense.

21 3. A statement may not be admitted under this section  
22 unless the prosecuting attorney makes known to the accused or  
23 [his] the accused's counsel his or her intention to offer the  
24 statement and the particulars of the statement sufficiently in  
25 advance of the proceedings to provide the accused or [his] the  
26 accused's counsel with a fair opportunity to prepare to meet the  
27 statement.

28 4. Nothing in this section shall be construed to limit the

1 admissibility of statements, admissions or confessions otherwise  
2 admissible by law.

3 492.304. 1. In addition to the admissibility of a  
4 statement under the provisions of section 492.303, the visual and  
5 aural recording of a verbal or nonverbal statement of a child  
6 when under the age of [twelve] fourteen who is alleged to be a  
7 victim of an offense under the provisions of chapter 565, 566 or  
8 568, RSMo, is admissible into evidence if:

9 (1) No attorney for either party was present when the  
10 statement was made; except that, for any statement taken at a  
11 state-funded child assessment center as provided for in  
12 subsection 2 of section 210.001, RSMo, an attorney representing  
13 the state of Missouri in a criminal investigation may, as a  
14 member of a multidisciplinary investigation team, observe the  
15 taking of such statement, but such attorney shall not be present  
16 in the room where the interview is being conducted;

17 (2) The recording is both visual and aural and is recorded  
18 on film or videotape or by other electronic means;

19 (3) The recording equipment was capable of making an  
20 accurate recording, the operator of the equipment was competent,  
21 and the recording is accurate and has not been altered;

22 (4) The statement was not made in response to questioning  
23 calculated to lead the child to make a particular statement or to  
24 act in a particular way;

25 (5) Every voice on the recording is identified;

26 (6) The person conducting the interview of the child in the  
27 recording is present at the proceeding and available to testify  
28 or be cross-examined by either party; and

1           (7) The defendant or the attorney for the defendant is  
2           afforded an opportunity to view the recording before it is  
3           offered into evidence.

4           2. If the child does not testify at the proceeding, the  
5           visual and aural recording of a verbal or nonverbal statement of  
6           the child shall not be admissible under this section unless the  
7           recording qualifies for admission under section 491.075, RSMo.

8           3. If the visual and aural recording of a verbal or  
9           nonverbal statement of a child is admissible under this section  
10          and the child testifies at the proceeding, it shall be admissible  
11          in addition to the testimony of the child at the proceeding  
12          whether or not it repeats or duplicates the child's testimony.

13          4. As used in this section, a nonverbal statement shall be  
14          defined as any demonstration of the child by his or her actions,  
15          facial expressions, demonstrations with a doll or other visual  
16          aid whether or not this demonstration is accompanied by words.

17          537.046. 1. As used in this section, the following terms  
18          mean:

19          (1) "Childhood sexual abuse", any act committed by the  
20          defendant against the plaintiff which act occurred when the  
21          plaintiff was under the age of eighteen years and which act would  
22          have been a violation of section 566.030, 566.040, 566.050,  
23          566.060, 566.070, 566.080, 566.090, 566.100, 566.110, or 566.120,  
24          RSMo, or section 568.020, RSMo;

25          (2) "Injury" or "illness", either a physical injury or  
26          illness or a psychological injury or illness. A psychological  
27          injury or illness need not be accompanied by physical injury or  
28          illness.

1           2. [In any civil action for recovery of damages suffered as  
2 a result of childhood sexual abuse, the time for commencement of  
3 the action shall be within five years of the date the plaintiff  
4 attains the age of eighteen or within three years of the date the  
5 plaintiff discovers or reasonably should have discovered that the  
6 injury or illness was caused by child sexual abuse, whichever  
7 later occurs.] Any action to recover damages from injury or  
8 illness caused by childhood sexual abuse in an action brought  
9 pursuant to this section, shall be commenced within ten years of  
10 the plaintiff attaining the age of twenty-one or within three  
11 years of the date the plaintiff discovers, or reasonably should  
12 have discovered, that the injury or illness was caused by  
13 childhood sexual abuse, whichever later occurs.

14           3. This section shall apply to any action commenced on or  
15 after [August 28, 1990] the effective date of this section,  
16 including any action which would have been barred by the  
17 application of the statute of limitation applicable prior to that  
18 date.

19           701.336. 1. The department of health and senior services  
20 shall cooperate with the federal government in implementing  
21 subsections (d) and (e) of 15 U.S.C. 2685 to establish public  
22 education activities and an information clearinghouse regarding  
23 childhood lead poisoning. The department may develop additional  
24 educational materials on lead hazards to children, lead poisoning  
25 prevention, lead poisoning screening, lead abatement and  
26 disposal, and on health hazards during abatement.

27           2. The department of health and senior services and the  
28 department of social services, in collaboration with related not-

for-profit organizations, health maintenance organizations, and the Missouri consolidated health care plan, shall devise an educational strategy to increase the number of children who are tested for lead poisoning under the Medicaid program. The goal of the educational strategy is to have seventy-five percent of the children who receive Medicaid tested for lead poisoning. The educational strategy shall be implemented over a three-year period and shall be in accordance with all federal laws and regulations.

3. The division of family services, in collaboration with the department of health and senior services, shall regularly inform eligible clients of the availability and desirability of lead screening and treatment services, including those available through the early and periodic screening, diagnosis, and treatment (EPSDT) component of the Medicaid program.

Section 1. 1. For purposes of proceedings and investigations conducted pursuant to chapter 211, RSMo, children shall be promptly returned to the care and custody of a nonoffending parent entitled to physical custody of the child if:

(1) The parents have continuously maintained joint domicile for a period of at least six months prior to the alleged incident or the parents are maintaining separate households; and

(2) A preponderance of the evidence indicates that only one of the parents is the subject of an investigation of abuse or neglect; and

(3) The nonoffending parent does not have a history of criminal behavior, drug or alcohol abuse, child abuse or child neglect, domestic violence, stalking, or full orders of

1 protection entered against them within the past five years; and

2 (4) The parents are maintaining joint domicile and the  
3 offending parent is removed from the home voluntarily or  
4 involuntarily, or the parents live separately and the child is  
5 removed from the home of the custodial parent; and

6 (5) A nonoffending parent requests custody of the child and  
7 agrees to cooperate with any orders of the court limiting contact  
8 or establishing visitation with the offending parent and the  
9 nonoffending parent complies with such orders.

10  
11 When the parents maintain joint domicile, the offending parent  
12 shall be presumed to have given permission for the nonoffending  
13 parent to live in the household. The court shall order temporary  
14 or permanent change of custody of the child to the nonoffending  
15 parent if the nonoffending parent does not have legal custody of  
16 the child, and shall order modifications to any public assistance  
17 benefits which may be required to assure the well-being of the  
18 child.

19 2. Nothing in this section shall prevent the division or  
20 the court from exercising its discretion to return a child or  
21 children to the custody of any individual.

22 Section 2. If any provision of this act is found by a court  
23 of competent jurisdiction to be invalid or unconstitutional it is  
24 the stated intent of the legislature that the legislature would  
25 have approved the remaining portions of the act, and the  
26 remaining portions of the act shall remain in full force and  
27 effect.

28 [26.740. 1. There is hereby created within the  
29 office of the governor a "Child Abuse, Custody and

1 Neglect Commission" which shall evaluate the laws and  
2 rules relating to child abuse, neglect, child custody  
3 and visitation and termination of parental rights and  
4 shall make recommendations on further action or  
5 legislative remedies, if any, to be taken as necessary.  
6 The commission shall review and recommend standardized  
7 guidelines for judicial review of what constitutes the  
8 best interest of the child.

9 2. The child abuse, custody and neglect  
10 commission shall be composed of twelve members to be  
11 appointed by the governor, including a county  
12 prosecutor, a law enforcement officer, a juvenile  
13 officer, a certified guardian ad litem, a juvenile  
14 court judge, a member of the clergy, a psychologist, a  
15 pediatrician, an educator, the chairman of the  
16 children's services commission, a division of family  
17 services designee, and one citizen of the state of  
18 Missouri, chosen to reflect the racial composition of  
19 the state, to serve four-year terms and of the members  
20 first appointed, four shall serve for a term of two  
21 years, four shall serve for a term of three years, and  
22 four shall serve for a term of four years.

23 3. The commission shall make its first report to  
24 the governor and the general assembly by February 1,  
25 2002, and any subsequent reports shall be made to the  
26 governor, the chief justice of the supreme court and  
27 the general assembly as necessary.

28 4. All members shall serve without compensation  
29 but shall be reimbursed for all actual and necessary  
30 expenses incurred in the performance of their official  
31 duties for the commission.

32 5. The office of the governor shall provide  
33 funding, administrative support, and staff for the  
34 effective operation of the commission.

35 6. This section shall expire on August 28, 2004.]

36  
37 Section B. Because immediate action is necessary to ensure  
38 the safety of children receiving child protective services  
39 section A of this act is deemed necessary for the immediate  
40 preservation of the public health, welfare, peace, and safety,  
41 and is hereby declared to be an emergency act within the meaning  
42 of the constitution, and section A of this act shall be in full  
43 force and effect on July 1, 2004, or upon its passage and  
44 approval, whichever later occurs.